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LEGISLATIVE HISTORY

Public Law 88-625

H. R. 12033

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INDEX AND SUMMARY OF H. R. 12033

July	23, 1964	Rep. Blatnik introduced H. R. 12033 which was referred to the House Interstate and Foreign Commerce Committee. Print of bill as introduced.
Aug.	11, 1964	House committee voted to report H. R. 12033.
Aug.	12, 1964	House committee reported H. R. 12033 without amendment. H. Report No. 1770. Print of bill and report.
Aug.	20, 1964	House Rules Committee reported a resolution for consideration of H. R. 12033. Print of resolution and report.
Sept.	3, 1964	House passed H. R. 12033 without amendment.
Sept.	23, 1964	Senate committee reported H. R. 12033 without amendment. S. Report No. 1593. Print of bill and report.
Sept.	24, 1964	Senate passed over H. R. 12033.
Sept.	25, 1964	Senate passed H. R. 12033 without amendment.
Oct.	3, 1964	Approved: Public Law 88-625.

DIGEST OF PUBLIC LAW 88-625

FOOD ADDITIVES TRANSITIONAL PROVISIONS AMENDMENT OF 1964.

Extends the final effective date of the Food Additives Amendment of 1958 from June 30, 1964, to December 31, 1965, so as to authorize the Secretary of Health, Education, and Welfare to permit the continued use of certain food additives pending the completion of testing to ascertain their safety. Authorizes the same extension of time for the transitional provisions of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 that transferred some 30 agricultural chemicals from the food additive provisions of the Food, Drug, and Cosmetic Act to its pesticide chemical provisions.

88TH CONGRESS
2D SESSION

H. R. 12033

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1964

Mr. BLATNIK introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Food Additives Tran-
4 sitional Provisions Amendment of 1964".

5 SEC. 2. The penultimate sentence of subsection (c) of
6 section 6 of the Food Additives Amendment of 1958 (Pub-
7 lic Law 85-929, 72 Stat. 1784, 1788), as added by the

A BILL

To further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

By Mr. BLATNIK

JULY 23, 1964

Referred to the Committee on Interstate and Foreign
Commerce

Aug 11, 1965

House

15. MILITARY CONSTRUCTION APPROPRIATION BILL, 1965. House conferees were appointed on this bill, H. R. 11363. Senate conferees have already been appointed. p. 18273
16. TAXATION. House and Senate conferees were appointed on H. R. 4649, to amend the Internal Revenue Code to authorize use of certain volatile fruit-flavor concentrates in the cellar treatment of wine. p. 18273
17. COFFEE IMPORTS. House and Senate conferees were appointed on H. R. 8864, to carry out U. S. obligations under the International Coffee Agreement. p. 18273
18. BROOM IMPORTS. Passed as reported H. R. 5986, to increase the tariff on broom imports. pp. 18274-5
19. RECREATION. Passed with amendment S. 16, to provide for establishment of the Ozark National Scenic Riverways, Mo., in lieu of H. R. 1803. pp. 18351-9
20. FARM LABOR. Rep. Rosenthal criticized the Mexican farm labor program and spoke against current efforts to continue the program. pp. 18360-2
21. FOOD ADDITIVES. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) H. R. 12033, to further amend the transitional provisions of the act of 1958 prohibiting the use of food additives which have not been adequately tested to establish their safety. p. D674

SENATE

22. POVERTY. Concurred in the House amendment to S. 2642, the poverty bill. This bill will now be sent to the President. pp. 18409-24
23. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill (pp. 18426-44, 18452, 18454-62, 18464-5). Agreed, 50 to 35, to an amendment by Sen. Morse to limit to \$3,250,000,000 (Senate committee figure was \$3,466,700,000) the authorization of funds for furnishing assistance and for administrative expenses after rejecting, 37 to 52, a similar amendment by Sen. Morse with a \$3 billion limitation (pp. 18441-4, 18452, 18454-5).
24. HOUSING LOANS. Sen. McGovern praised Farmers' Home Administration for "making a major contribution to the struggle against liquidation of farm homes and farm operations" and inserted a summary of its activities in S. Dak. pp. 18466-8
25. RECREATION. Sen. Hart urged the allocation to heavily populated States of funds in the land and water conservation fund bill. pp. 18408-9
26. LANDS; RECREATION. A subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration H. R. 8135, to provide for the establishment and administration of public recreational facilities at the Sanford Reservoir area, Canadian River project, Tex. p. D670
27. THE COMMERCE COMMITTEE ordered favorably reported (but did not actually report) S. 2315, to authorize the Weather Bureau to make reimbursement between appropriations made available to the Weather Bureau; H. R. 1341, requiring Government passenger-carrying motor vehicles to meet certain passenger safety standards; and H. R. 9334, to permit the use of additional standard containers for fruits and vegetables. p. D670

ITEMS IN APPENDIX

28. CONSUMERS. Extension of remarks of Rep. Sullivan urging legislation to amend the Federal Food, Drug, and Cosmetic Act for greater consumer protection, and inserting an article, "GOP Platform Attacks FDA." pp. A4229-30
29. FOREIGN AID. Rep. Gross inserted the testimony of Dr. Lewis E. Lloyd, on behalf of the Citizens Foreign Aid Committee, before the Senate Appropriations Committee, critical of the foreign aid program. pp. A4230-3
30. RECREATION. Extension of remarks of Rep. Jensen commending the development of income-producing recreation enterprises on farms and other rural lands and inserting several articles from the August issue of the Rural Areas Development Newsletter describing some of these projects. pp. A4237-8
31. PEANUTS; RESEARCH. Extension of remarks of Rep. Forrester inserting a letter written by Secretary Freeman endorsing the establishment of a National Peanut Marketing Research Laboratory. pp. A4241
32. POVERTY. Extension of remarks of Reps. Pepper and Dulski commending the poverty program. pp. A4243, A4251
Rep. Whitener inserted an editorial, "Purpose of the Antipoverty Bill," which "sets forth the aims of the legislation." p. A4248
33. OPINION POLL. Rep. Corbett inserted the results of an opinion poll including subjects of interest to this Department. p. A4260

BILLS INTRODUCED

34. DISASTER RELIEF. S. 3112, by Sen. McCarthy, to provide additional drought disaster relief to farmers and stockmen in connection with the transportation of hay; to Agriculture and Forestry Committee. Remarks of author, pp. 18395-6
H. R. 12311, by Rep. Long, Md., to indemnify farmers for certain hay losses; to Agriculture Committee
35. WATER RESOURCES. S. 3104, by Sen. Kuchel, to authorize investigations and reports on the water resources and requirements of the Colorado River Basin, and to protect existing economies in the course of development of such resources; to Interior and Insular Affairs Committee
H. R. 12320 through H. R. 12335, and H. R. 12338, by seventeen representatives, to authorize investigations and reports on the water resources and requirements of the Colorado River Basin, and to protect existing economies in the course of development of such resources; to Interior and Insular Affairs Committee. Remarks of Rep. Roosevelt, pp. 18364-5
36. CENSUS. H. R. 12309, by Rep. Friedel, to provide for a mid-decade census of population in 1965 for the purpose of reapportioning the House of Representatives in compliance with recent Supreme Court decisions; to Judiciary Committee.
37. FARM LABOR. H. R. 12312, by Rep. Martin, Calif., to provide for, phase out, and to extend the use of Mexican agricultural workers under title V of the Agricultural Act of 1949, as amended; to Agriculture Committee.

Aug. 12, 1964

Passed with amendments S. 502, to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam. H. R. 9752, a similar bill which was passed earlier as reported, was tabled. pp. 18598, 18611-2, 18623

13. ADMINISTRATIVE LAW. Passed as reported S. 1664, to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the U. S. pp. 18613-23
14. PACIFIC ISLANDS. Concurred in the Senate amendments to H. R. 3198, to promote the economic and social development of the Trust Territory of the Pacific Islands. This bill will now be sent to the President. p. 18629
15. INDEPENDENT OFFICES APPROPRIATION BILL, 1965. Received the conference report on this bill, H. R. 11296 (H. Rept. 1781). pp. 18588-94, 18669
16. PUBLIC WORKS APPROPRIATION BILL, 1965. Conferees were appointed on this bill, H. R. 11579. Senate conferees have already been appointed. p. 18575
17. WILDLIFE. The Merchant Marine and Fisheries Committee reported with amendment H. R. 2392, to initiate a program for the conservation, development, and enhancement of the Nation's anadromous fish in cooperation with States (H. Rept. 1768). p. 18669
18. FOOD ADDITIVES. The Interstate and Foreign Commerce Committee reported without amendment H. R. 12033, to further amend the transitional provisions of the act of 1958 prohibiting the use of food additives which have not been adequately tested to establish their safety (H. Rept. 1770). p. 18669
19. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 1712, to authorize the Crooked River Federal reclamation project to provide for the irrigation of additional lands (H. Rept. 1778). p. 18669
20. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 8526, amended, relating to the issuance of patents for lands held under color of title, to liberalize the requirements for the conveyance of the mineral estate. p. D682
21. ROADS AND TRAILS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 12289, amended, to establish the Lewis and Clark Trail Commission. p. D683
22. TIME STANDARDS. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) H. R. 11483, amended, to establish a uniform system of time standards and measurement and to promote the observance of such time standards for all purposes. p. D683
23. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee voted to report to the full committee H. R. 5376, to provide for the inclusion in computation of accredited service for retirement purposes, of certain periods of service rendered States or instrumentalities of States; and H. R. 8544, to extend the benefits of the Annual and Sick Leave Act of 1951, Veterans' Preference Act of 1944, and Classification Act of 1949. p. D683
24. ADMINISTRATIVE LAW. A subcommittee of the Judiciary Committee voted to report to the full committee S. 1466, amended, to provide for the right of persons to be represented by attorneys in matters before Federal agencies. p. D683

25. APPROPRIATIONS; POVERTY. Received from the President an appropriation estimate for the fiscal year 1965 in the amount of \$947,500,000 to finance the programs authorized by the Economic Opportunity Act of 1964 (H. Doc. 337). p. 18669
26. GUAM. The "Daily Digest" states that the Rules Committee granted an open rule, with 1 hour of debate, on H. R. 3869, to provide technical agricultural assistance to Guam, making it in order to substitute S. 692 in lieu thereof. p. D683
27. COFFEE. The "Daily Digest" states that conferees agreed to file a conference report on H. R. 8864, to implement the International Coffee Agreement. p. D. 684
28. RESEARCH. The "Daily Digest" states that conferees agreed to file a conference report on H. R. 4364, providing for duty-free entry of a mass spectrometer for Oregon State and Wayne State universities. p. D684
29. MEAT IMPORTS. Rep. Olsen, Mont., expressed his support for sending H. R. 1839, the meat-import restriction bill, to conference, and inserted Rep. Colmer's statement requesting the conference. pp. 18629-31
30. POVERTY. Rep. Williams explained the loyalty-oath amendments he offered to the poverty bill. p. 18631
31. RIVERS AND HARBORS. Rep. Hull inserted resolutions adopted by the National Rivers and Harbors Congress. p. 18637
32. APPALACHIA. Rep. Schwengel described a tour he made of the Appalachian region in order to secure first-hand knowledge of the situation, and inserted testimony gathered on the tour. pp. 18658-9
33. HOLIDAY. Rep. Rooney, N. Y., inserted his statement favoring legislation making Columbus Day, Oct. 12, a national holiday. p. 18659

ITEMS IN APPENDIX

34. FOREIGN AID. Rep. Olsen, Minn., inserted an article, "The Human Side of Foreign Aid," which cites the impact our foreign aid is having on the recipient nations. pp. A4266-7
35. WHEAT. Extension of remarks of Rep. Burton inserting a satirical article on the wheat deal with Russia, "Happiness is a Wheat Deal With Hungry Russians." p. A4270
36. POVERTY. Speech in the House by Rep. Burton expressing his support for the poverty bill. p. A4273
37. OPINION POLL. Rep. Cleveland inserted the results of a questionnaire, including items of interest to this Department. pp. A4275-6

BILLS INTRODUCED

38. HEALTH. H. R. 12350, by Rep. Burton, Calif., to provide a program of national health insurance; to Interstate and Foreign Commerce Committee.
39. PATENTS. H. R. 12354, by Rep. St. Onge, for the general revision of the copy-right law, title 17 of the United States Code; to Judiciary Committee.

FOOD ADDITIVES TRANSITIONAL PROVISIONS
AMENDMENT OF 1964

AUGUST 12, 1964.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROBERTS of Alabama, from the Committee on Interstate and Foreign Commerce, submitted the following

R E P O R T

[To accompany H.R. 12033]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 12033) to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

This bill would permit the Secretary of Health, Education, and Welfare to permit until December 31, 1965, the continued use of certain food additives and pesticide chemicals which were in commercial use before January 1, 1958, but which have not been cleared for use under sections 408 or 409 of the Federal Food, Drug, and Cosmetic Act, if he finds that—

- (1) such extension involves no undue risk to the public health;
- (2) conditions exist which necessitate the prescribing of such additional period;
- (3) bona fide action to determine the applicability of such section 408 or 409 to such uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960;
- (4) such bona fide action was pursued with reasonable diligence after March 6, 1960; and

(5) in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith as soon as reasonably practicable the scientific investigations necessary as a basis for action under such sections 408 or 409.

BACKGROUND

The Food Additives Amendment of 1958 (Public Law 85-929, approved Sept. 6, 1958) added a new section 409 to the Federal Food, Drug, and Cosmetic Act, which provided in general for advance clearance by the Food and Drug Administration of all substances proposed to be used as food additives. The act contained transitional provisions permitting the continued use of additives which were in commercial use on January 1, 1958, requiring that such additives be tested for safety leading to eventual clearance under section 409. The original transition period was 2½ years in duration, and was due to expire on March 6, 1961.

Experience developed under the operation of the Food Additives Amendment of 1958 revealed that the 2½-year period allowed in the law was insufficient for the completion of testing on a number of additives, and more time was required. The Administration therefore recommended the enactment of legislation (H.R. 3980, 87th Cong.) which would have permitted the Secretary to grant unlimited extensions of time for the testing of additives covered by the 1958 transitional provisions. Testimony of the Commissioner of the Food and Drug Administration indicated that the bulk of the additives covered by the legislation could be tested within 3 years. The proposed legislation was amended so as to limit the duration of extensions to June 30, 1964, and was enacted April 7, 1961 as the Food Additives Transitional Provisions Amendment of 1961 (Public Law 87-19).

As of June 30, 1964, approximately 250 food additives had not as yet been cleared under the food additives amendment, and further research will be required with respect to these additives. These cases involve situations where unexpected difficulties have arisen, and it has been impossible to obtain all the information required by the food additives amendment in the period provided by law, even though the industries affected have proceeded with all due diligence. The reported bill would permit a further extension of time for the testing of these 250 food additives and of a limited number of pesticide chemicals, but the extension may not be granted if there is any undue risk to the public health involved, and the extension may not be granted unless bona fide action by the applicant was commenced before March 6, 1960, and has been pursued with reasonable diligence thereafter.

Draft legislation to permit these extensions was prepared in consultation with the Department of Health, Education, and Welfare and the Department has stated that it has no objection to the legislation.

DETAILED ANALYSIS

The first section of the bill contains a short title which is the "Food Additives Transitional Provisions Amendment of 1964."

Section 2 of the bill amends the next to last sentence of section 6(c) of the Food Additives Amendment of 1958 by permitting extensions heretofore granted with respect to food additives in commercial use

before January 1, 1958, to be further extended, but not beyond December 31, 1965, if the Secretary makes appropriate findings prescribed in such section 6(c). In general these findings require that there be no undue risk to the public health, that conditions exist which necessitate the prescribing of such additional period, that bona fide action leading to a determination with respect to the clearance of such additives was commenced before March 6, 1960, and was thereafter pursued with reasonable diligence, and that such extension is consistent with the objective of carrying to completion the necessary scientific investigations.

Section 3 amends the next to last sentence of section 3 of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 to make an amendment with respect to pesticide chemicals similar in effect to the amendment made by section 2 of the bill with respect to food additives.

Section 3(b) of that act provides that, with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, "if such use was made of such substance before January 1, 1958" the old adulteration provisions of the Food and Drug Act shall continue to apply until March 5, 1960, or until the end of such additional period, not beyond June 30, 1964, as the Secretary of Health, Education, and Welfare may prescribe. This provision was amended by the Food Additives Transitional Provisions Amendment of 1961, so as to include the 1964 date specified above, in order to make possible the bona fide completion of needed scientific studies that could not be completed by March 5, 1961 (the date originally specified in the law).

Under the amendment made by the bill, the Secretary of Health, Education, and Welfare may permit extensions heretofore granted with respect to these pesticide chemicals to be further extended, but not beyond December 31, 1965, if the Secretary makes findings that there will be no undue risk to the public health, that conditions exist which necessitate the prescribing of such additional period, that bona fide action leading to a determination with respect to the clearance of such chemicals was commenced before March 6, 1960, and was thereafter pursued with reasonable diligence, and that such extension is consistent with the objective of carrying to completion the necessary scientific investigations.

AGENCY REPORTS

The favorable reports of the Government agencies on this bill are set forth below:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 6, 1964.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your letter of July 27, 1964, requesting the views of the Bureau of the Budget on H.R. 12033, a bill to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to

prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes.

The Department of Health, Education, and Welfare has reported that it has no objection to this bill in its present form. In view of the considerations set forth in the Department's report, the Bureau of the Budget advises that there would be no objection to the enactment of H.R. 12033 from the standpoint of the administration's program.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
August 4, 1964.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of July 27, 1964, for a report on H.R. 12033, a bill to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes.

This bill incorporates certain modifications suggested in our letter of comment to the sponsor of the bill in connection with a draft bill sent to us for comment. A copy of that letter is enclosed.

For the reasons stated in that letter, we would have no objection to the enactment of this bill in its present form.

Sincerely,

WILBUR J. COHEN,
Assistant Secretary.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., July 2, 1964.

HON. JOHN A. BLATNIK,
House of Representatives, Washington, D.C.

DEAR MR. BLATNIK: This is in response to the joint letter, dated May 21, 1964, from you, Senator McCarthy, and Senator Humphrey, requesting that we comment on an enclosed copy of a draft bill to further amend the transitional provisions of the Food Additives Amendment of 1958 and for other purposes. The draft bill would have the short title "Food Additives Transitional Provisions Amendment of 1964."

The draft bill proposes, under safeguards described below, to extend from June 30, 1964, to June 30, 1966, our authority to postpone on an ad hoc basis—with respect to chemicals that were in commercial use before 1958—the effective date of section 3 of the Food Additives Amendment of 1958 (Public Law 85-929), which amended the adulteration provisions of the Food and Drug Act so as to deem a food additive adulterated unless its use has been cleared for safety. The bill would likewise extend from June 30, 1964, to June 30, 1966, our

authority to postpone the effective date of the changes made in the adulteration provisions of the Food and Drug Act by the pesticide chemicals amendment (Public Law 83-518), as applied to those chemicals in commercial use before 1958 that were classified as "pesticide chemicals" (instead of "food additives") by the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139). During any such postponement the adulteration provisions of preexisting law under the Food and Drug Act would continue to apply.

As you will recall, the Food Additives Amendment of 1958 (Public Law 85-929) contained transitional provisions authorizing us to postpone until March 5, 1961, the effective date of the provisions above referred to, as applied to additives in commercial use before 1958, if we found that this was necessary and that it would involve no undue risk to the public health. Similarly, when the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139) brought certain agricultural chemicals—about 30 in number—under the Federal Insecticide, Fungicide, and Rodenticide Act and thus indirectly transferred such chemicals from the purview of the food additive provisions of the Food and Drug Act to that of the pesticide chemicals provisions of that act, it contained parallel transitional provisions, meshing with those of the food additives amendment, with respect to those chemicals in commercial use before 1958.

When it became apparent that the March 5, 1961, limitation on the period for which we could thus extend the final effective date involved under these two amendatory laws, as applied to chemicals on the market before 1958, was insufficient to permit resolution of all the complex scientific problems which arose, Congress, by the Food Additives Transitional Provisions Amendment of 1961 (Public Law 87-19), authorized us to grant further postponements, but not beyond June 30, 1964, on an ad hoc basis, in the case of any such chemical in commercial use for which we had previously granted a postponement to March 5, 1961 (or had a request for an extension pending on that date), if, in addition to making the findings required as a basis for the prior postponement, we found (i) that bona fide action to determine the applicability of the clearance requirements of the food additives amendment or pesticide chemicals amendment to such use or to develop the scientific data necessary for action thereunder was commenced before March 6, 1960, and thereafter pursued with reasonable diligence and (ii) that in our judgment such further postponement was consistent with the objective of carrying the necessary scientific investigations to completion in good faith as soon as reasonably practicable. At the time of the enactment of Public Law 87-19 in 1961, over 3,000 uses of chemicals were covered by postponements to March 5, 1961, that we had granted.

The draft bill enclosed with your letter would amend the earlier legislation to authorize us to grant a further postponement, but not beyond June 30, 1966, in any case in which we had previously granted a postponement with respect to a use of a chemical until June 30, 1964. Such a postponement beyond June 30, 1964, could, however, be granted under the terms of the draft bill only if we again made the same findings as are described above under (i) and (ii). The June 30, 1964, cutoff date had been inserted by Congress at the time of the 1961 amendment (Public Law 87-19) because it then was estimated that the

bulk of the cases could be finally dealt with in about 3 additional years. It was understood that if that estimate proved overly optimistic, legislative authority to grant additional extensions might have to be sought.

While it has been possible for both the industries concerned and this Department to complete the work involved on most of the 3,000 extensions, there are still some 250 uses of food additives and pesticide chemicals on which we are not yet prepared to take final action. The problems on most of these will be resolved within the next 6 to 12 months. However, there are a few cases in which scientific work now in progress could not be completed and evaluated by us within 1 year. In our opinion, the cases pending can be resolved finally within 18 months if pursued with diligence and the expiration date stated in the bill should therefore be December 31, 1965. Secondly, the draft bill needs to be clarified as shown in the enclosed markup, to incorporate by reference the requirement of existing law that any ad hoc postponement granted for the use of a chemical must be based on a finding that the postponement is necessary and involves no undue risk to the public health. (This provision was, we understand, omitted from the draft through inadvertence.)

We would not object to the enactment of the proposed legislation if amended as above suggested. We do not envision circumstances which would require any further extension beyond December 31, 1965.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report.

Sincerely,

WILBUR J. COHEN, *Secretary.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 6(c) OF THE FOOD ADDITIVES AMENDMENT OF 1958

SEC. 6. (a) * * *

* * * * *

(c) With respect to any particular commercial use of a food additive, if such use was made of such additive before January 1, 1958, section 3 of this Act shall take effect—

(1) either (A) one year after the effective date established in subsection (b) of this section, or (B) at the end of such additional period (but not later than two years from such effective date established in subsection (b)) as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) on the date on which an order with respect to such use under section 409 of the Federal Food, Drug, and Cosmetic Act becomes effective,

whichever date first occurs. Whenever the Secretary has, pursuant to clause (1)(B) of this subsection, extended the effective date of section 3 of this Act to March 5, 1961, or has on that date a request for such extension pending before him, with respect to any such particular use of a food additive, he may, notwithstanding the parenthetical time limitation in that clause, further extend such effective date, not beyond June 30, 1964, under the authority of that clause (but subject to clause (2)) with respect to such use of the additive (or a more limited specified use or uses thereof) if, in addition to making the findings required by clause (1) (B), he finds (i) that bona fide action to determine the applicability of such section 409 to such use or uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960, and was thereafter pursued with reasonable diligence, and (ii) that in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith, as soon as reasonably practicable, the scientific investigations necessary as a basis for action under such section 409: *Provided, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) (B) of this subsection and clauses (i) and (ii) of this sentence, further extend such effective date, but not beyond December 31, 1965.* The Secretary may at any time terminate an extension so granted if he finds that it should not have been granted, or that by reason of a change in circumstances the basis for such extension no longer exists, or that there has been a failure to comply with a requirement for submission of progress reports or with other conditions attached to such extension.

* * * * *

SECTION 3 OF THE NEMATOCIDE, PLANT REGULATOR, DEFOLIANT, AND DESICCANT AMENDMENT OF 1959

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act,

whichever date first occurs; and

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of the enactment of the Act of July 22, 1954 (68 Stat. 511) (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective, whichever date first occurs. Whenever the Secretary of Health, Education, and Welfare has, pursuant to clause (1) of this paragraph (b), prescribed an additional period expiring on March 5, 1961, or has on that date a request for such extension pending before him, with respect to any such particular use of a nematocide, plant regulator, defoliant, or desiccant, he may notwithstanding the provision to the contrary in such clause (1), further extend the expiration date not beyond June 30, 1964, applicable under such clause (1) (but subject to clause (2)) with respect to such use of such substance (or a more limited specified use or uses thereof), if, in addition to making the findings required by clause (1), he finds (A) that bona fide action to determine the applicability of such section 408 to such use or uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960, and was thereafter pursued with reasonable diligence, and (B) that in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith, as soon as reasonably practicable, the scientific investigations necessary as a basis for action under such section 408: *Provided, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) of this paragraph (b) and clauses (A) and (B) of this sentence, further extend such expiration date, but not beyond December 31, 1965.* The Secretary may at any time terminate an extension so granted if he finds that it should not have been granted, or that by reason of a change in circumstances the basis for such extension no longer exists, or that there has been a failure to comply with a requirement for submission of progress reports or with other conditions attached to such extension.

Union Calendar No. 785

88TH CONGRESS
2D SESSION

H. R. 12033

[Report No. 1770]

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1964

Mr. BLATNIK introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

AUGUST 12, 1964

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Food Additives Tran-
4 sitional Provisions Amendment of 1964".

5 SEC. 2. The penultimate sentence of subsection (c) of
6 section 6 of the Food Additives Amendment of 1958 (Pub-
7 lic Law 85-929, 72 Stat. 1784, 1788), as added by the

1 “Food Additives Transitional Provisions Amendment of
2 1961” (Public Law 87-19, 75 Stat. 42), is hereby further
3 amended by inserting before the period at the end thereof
4 a colon and the following: “*Provided*, That if the Secretary
5 has, pursuant to this sentence, granted an extension to June
6 30, 1964, he may, upon making the findings required by
7 clause (1) (B) of this subsection and clauses (i) and (ii)
8 of this sentence, further extend such effective date, but not
9 beyond December 31, 1965”.

10 SEC. 3. The penultimate sentence of section 3 of the
11 Nematocide, Plant Regulator, Defoliant, and Desiccant
12 Amendment of 1959 (Public Law 86-139, 73 Stat. 286,
13 288), as added by the “Food Additives Transitional Pro-
14 visions Amendment of 1961” (Public Law 87-19, 75 Stat.
15 42), is hereby further amended by inserting before the pe-
16 riod at the end thereof a colon and the following: “*Provided*,
17 That if the Secretary has, pursuant to this sentence, granted
18 an extension to June 30, 1964, he may, upon making the
19 findings required by clause (1) of this paragraph (b) and
20 clauses (A) and (B) of this sentence, further extend such
21 expiration date, but not beyond December 31, 1965”.

A BILL

To further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

By Mr. BLATNIK

JULY 23, 1964

Referred to the Committee on Interstate and Foreign
Commerce

AUGUST 12, 1964

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

A BILL

to amend the Act entitled "An Act to provide for the relief of the estate of John Doe," approved March 1, 1912, in relation to the estate of John Doe, deceased, and for other purposes.

Enacted at the City of Washington, this 1st day of January, 1913.

WILLIAM H. TAFT,
President.

Approved: January 1, 1913.
WILLIAM H. TAFT,
President.

Aug 20, 1964

House

15. RESEARCH. Sen. Neuberger inserted an article praising the inclusion in the Water Resources Act of a provision prohibiting the private patenting of discoveries made by expenditures of public funds in developing ways to conserve and purify water. pp. 19931-2
16. RECLAMATION. Passed as reported H. R. 3672, to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act. p. 19949
The Interior and Insular Affairs Committee reported without amendment H. R. 130, to provide for the payment of compensation, including severance damages, for rights-of-way acquired by the U. S. in connection with reclamation projects, the construction of which commenced after Jan. 1, 1961 (S. Rept. 1507). p. 19905
Disagreed to the amendment of the House on S. 1123, to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho. Conferees were appointed. p. 19972
17. LANDS. The Interior and Insular Affairs Committee reported with amendment S. 883, to amend the Mineral Leasing Act of 1920 to authorize geothermal steam leases under the provisions of such act (S. Rept. 1508), and also with amendment H. R. 5159, to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be managed under principles of multiple use and to produce a sustained yield of products and services (S. Rept. 1506). pp. 19905-7
18. WATERSHEDS. Sen. McNamara inserted a list of projects approved by the Public Works Committee under the Watershed Protection and Flood Prevention Act. p. 19972

HOUSE

19. ELECTRIFICATION. Rep. Saylor advised that a map incorporated into a report furnished the conferees on S. 1007, regarding Federal hydroelectric plants in the Pacific Northwest, is not the correct map and inserted an excerpt from a letter from the Pacific Power and Light Co. urging exhaustive tests before large sums of money are committed. p. 19975
20. CLAIMS. Concurred in Senate amendments to H. R. 6910, to provide for the settlement of claims against the U. S. by members of the uniformed services and civilian officers and employees of the U. S. for damage to, or loss, of, personal property incident to their services. This bill will now be sent to the President. p. 19976
21. MILITARY CONSTRUCTION APPROPRIATION BILL, 1965. Both Houses agreed to the conference report on this bill, H. R. 11369, and acted on items in disagreement. This bill will now be sent to the President. pp. 19952-4, 19977-9
22. APPALACHIA. The Rules Committee reported a resolution for the consideration of H. R. 11946, to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region. pp. 19988, 20122
23. INFORMATION; ARTS. Passed, with amendments, by a vote of 213 to 135 H. R. 9586, to provide for the establishment of a National Council on the Arts to assist in the growth and development of the arts in the U. S. pp. 20004-24
24. PUBLIC LAW 480. The Rules Committee reported a resolution for the consideration of H. R. 12298, to extend the Agricultural Trade Development and Assistance Act of 1954. pp. 20031, 20122

25. GUAM. Passed with amendment, S. 692, to establish Federal agricultural services to Guam. H. R. 3896, a similar bill, passed earlier with amendments was tabled. pp. 20031, 20032-3
 26. POVERTY. Rep. Curtis inserted the minority views on the Economic Opportunity Act of 1964. pp. 20038-46
 27. WILDLIFE. Rep. Keith urged enactment of H. R. 2392, to initiate a program for the conservation, development and enhancement of the Nation's anadromous fish in cooperation with the several States. pp. 20046-7
 28. NATURAL RESOURCES. A subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee S. 1111, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council and River Basin Commission, and by providing financial assistance to the States in order to increase State participation in such planning. p. D727
 29. FOOD ADDITIVES. The Rules Committee reported a resolution for the consideration of H. R. 12033, to further amend the transitional provisions of the act of 1958 prohibiting the use of food additives which have not been adequately tested to establish their safety. p. 20122
- WOOL.
30. The Rules Committee reported a resolution for the consideration of H. R. 4994, to amend the Textile Fiber Products Labeling Act of 1938 in order to require that imported woven labels must have woven into them the name of the country where woven. p. 20122
 31. CONVENTION RECESS. Adopted H. Con. Res. 359, to provide that when the House adjourns on Fri., Aug. 21 it will stand adjourned until Mon., Aug. 31. p. 20038

ITEMS IN APPENDIX

32. RURAL AMERICA. Extension of remarks of Rep. Cooley commending and inserting Secretary Freeman's statement to the Democratic platform committee in which he asked "that the Democratic party dedicate itself to the goal of parity of opportunity for rural America." pp. A4406-7
33. TVA. Rep. Davis inserted an address on the progress and accomplishments of TVA. pp. A4408-11
34. WOOL IMPORTS. Extension of remarks of Rep. Cleveland expressing concern for the "plight" of the wool manufacturing industry and inserting an article on this subject. pp. A4417-8
35. OPINION POLL. Rep. MacGregor inserted the results of an opinion poll, including items of interest to this Department. pp. A4431-2
36. MEAT IMPORTS. Extension of remarks of Rep. Burke inserting an editorial and stating that it "points up the concern on the part of responsible people as to the action taken by Congress" in passage of the meat import bill. pp. A4433-4
37. WHEAT. Extension of remarks of Rep. Beermann stating that the wheat portion of the wheat-cotton law is having a "disastrous and widespread effect" and inserting an article, "Wheat Program Isn't On Target." pp. A4435-6
38. YOUTH CORPS; CONSERVATION. Rep. Hansen inserted an article, "The Youth Development and Conservation Corps in the State of Washington." pp. A4438-9

CONSIDERATION OF H.R. 12033

AUGUST 20, 1964.—Referred to the House Calendar and ordered to be printed

Mr. DELANEY, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 867]

The Committee on Rules, having had under consideration House Resolution 867, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 305

88TH CONGRESS
2^D SESSION

H. RES. 867

[Report No. 1838]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 1964

Mr. DELANEY, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (H.R. 12033) to
5 further amend the transitional provisions of the Act approved
6 September 6, 1958, entitled "An Act to protect the public
7 health by amending the Federal Food, Drug, and Cosmetic
8 Act to prohibit the use in food of additives which have not
9 been adequately tested to establish their safety", and for
10 other purposes. After general debate, which shall be con-
11 fined to the bill and shall continue not to exceed one hour,
12 to be equally divided and controlled by the chairman and

1 ranking minority member of the Committee on Interstate
2 and Foreign Commerce, the bill shall be read for amendment
3 under the five-minute rule. At the conclusion of the con-
4 sideration of the bill for amendment, the Committee shall
5 rise and report the bill to the House with such amendments
6 as may have been adopted, and the previous question shall
7 be considered as ordered on the bill and amendments thereto
8 to final passage without intervening motion except one mo-
9 tion to recommit.

RESOLUTION

Providing for consideration of H.R. 12033, a bill to further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

By Mr. DELANEY

AUGUST 20, 1964

Referred to the House Calendar and ordered to be printed

Sept 3, 1964

By Rep. Bolton, as amended by a substitute amendment by Rep. Roosevelt, 117 to 113, to prohibit the use of funds to aid nations conducting military aggression against friendly nations or whose policies are contrary to U. S. foreign policies. pp. 20924-28

By Rep. Rooney, to strike out the Findley amendment adopted on Wed. which would have required congressional approval before any local currencies under title I could be granted to a recipient country. pp. 20928-32

14. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 10809, the Labor-HEW and related agencies appropriation bill for fiscal year 1965. This bill will now be sent to the President. pp. 20910-13, 20919-24
15. NATIONAL PARKS. Both Houses agreed to the conference report on S. 27, to provide for the establishment of the Canyonlands National Park, Utah. This bill will now be sent to the President. pp. 20903-8, 20924
16. RECLAMATION. Both Houses agreed to the conference report on S. 1123, to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho. This bill will now be sent to the President. pp. 20902-3, 20924
17. FOOD ADDITIVES. Passed without amendment H. R. 12033, to amend the Federal Food, Drug, and Cosmetic Act so as to prohibit the use of food additives which have not been adequately tested to establish their safety. pp. 20937, 20939-40
18. LANDS; FORESTRY. Concurred in the Senate amendment to H. R. 6601, to authorize the Secretary of Agriculture to sell a tract of forest land to the city of Grand Junction, Colo. The Senate amendment provides that the Secretary of Agriculture shall notify the Senate and House Agriculture Committees at least 60 days before the proceeds of the sale are applied to the purchase of new land. This bill will now be sent to the President. p. 20954
19. RESEARCH FACILITIES. Concurred in the Senate amendment to H. R. 1642, to provide for the sale of the ARS Animal Quarantine Station, Clifton, N. J., to the city of Clifton. The Senate amendment provides that the Secretary of Agriculture shall notify the Senate and House Agriculture Committees at least 60 days before the proceeds of the sale are applied to the establishment of new station. This bill will now be sent to the President. pp. 20954-5
20. FARM PROGRAM. Rep. Findley charged that this Department was "dumping" CCC wheat on the domestic market and urged that Government sales be withheld until wheat prices go up. pp. 20961-2
Rep. Cohelan stated that the "cotton-wheat bill has not done what so many of its supporters earlier this year said it would do," and inserted an article, "Wheat, Cotton, and Political Arithmetic." pp. 20973-6
21. WATER POLLUTION. The "Daily Digest" states that the Public Works Committee voted to report (but did not actually report) "S. 649, and related bills, regarding water pollution." p. D751
22. POVERTY. Rep. Curtis urged the establishment of a select committee to review administration of the poverty program. p. 20960

23. FOOD DISTRIBUTION. Both Houses received a GAO report "on weaknesses in the administration of the program for direct distribution of Federal surplus commodities in St. Louis County, Mo., Agricultural Marketing Service." pp. 20828, 20977
24. AREA REDEVELOPMENT. Rep. Talcott criticized administration of the area redevelopment program. p. 20959
25. ELECTRIFICATION. Rep. Roosevelt commended enactment of legislation to authorize construction of the first part of the transmission intertie program to link Calif. with the Northwest and Southwest. pp. 20969-70
26. LEGISLATIVE PROGRAM. Rep. Albert stated that there was no major legislative business for the remainder of this week and that the House would adjourn over from Fri. to Tues. p. 20944

ITEMS IN APPENDIX

27. WHEAT. Extension of remarks of Rep. Dole stating that this Department "is using every possible method of depressing the market price for wheat" and inserting an article on this subject. pp. A4587-8
Extension of remarks of Rep. Battin inserting the text of a radio broadcast dealing with the 1965 wheat program and stating that "the problem has been compounded by the Secretary's failure to announce the feed grain program for 1965." p. A4590
28. POVERTY. Extension of remarks of Rep. Boggs describing how a community-wide effort is being made by the people in the New Orleans area to implement the opportunities offered by the poverty program. pp. A4588-9
Extension of remarks of Rep. Zablocki favoring the appointment of Sargent Shriver "to lead the fight against poverty." p. A4595
29. APPALACHIA. Extension of remarks of Rep. Fascell inserting a series of five articles, "Poverty in Appalachia." pp. A4590-5
30. RURAL AREAS. Rep. Olson, Minn., inserted Assistant Secretary Baker's speech before the annual convention of the Ark. Farmers Union on some of the changes that have been taking place in our rural areas. pp. A4607-9

BILLS APPROVED BY THE PRESIDENT

31. LAND AND WATER CONSERVATION. H. R. 3846, to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people. Approved September 3, 1964 (Public Law 88-578).
32. AGRICULTURAL APPROPRIATIONS. H. R. 11202, Department of Agriculture and related agencies appropriations, 1965. Approved September 2, 1964 (Public Law 88-573).
33. APPROPRIATIONS. H. R. 11369, military construction appropriations, 1965. Approved September 2, 1964 (Public Law 88-576).
34. RECLAMATION. H. R. 130, to provide for the payment of compensation, including severance damages, for rights-of-way acquired by the United States in

on Public Works may have until midnight tomorrow to file a report on the bill, S. 649.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CORRECTION OF VOTE

Mrs. SULLIVAN. Mr. Speaker, on Rollcall No. 252 I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

FOOD ADDITIVES TRANSITIONAL PROVISIONS AMENDMENT OF 1964

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 867, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12033) to further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield to the gentleman from Ohio [Mr. Brown] 30 minutes, and pending that I now yield myself such time as I may consume.

Mr. Speaker, this resolution, House Resolution 867, provides for the consideration of the bill, H.R. 12033, to further amend the transitional provisions of the act approved September 6, 1958, entitled: "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety, and for other purposes."

Mr. Speaker, the resolution provides for an open rule with 1 hour of general debate.

Mr. Speaker, this is a simple extension of 1 year. It will permit additional time to those who have been using certain additives until the year 1965 to perfect their tests.

If you will look at the report, you will see that the various officers of the De-

partment of Health, Education, and Welfare have recommended this 1 year extension.

It is not my intention to oppose this at this time, but I serve notice on the Department of Health, Education, and Welfare that if further applications are made I shall strenuously oppose it.

Mr. Speaker, I know of no objection to the adoption of the rule, and I do urge its adoption.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from New York [Mr. DELANEY] has explained this rule very thoroughly.

There was a unanimous report in favor of this bill from the House Committee on Interstate and Foreign Commerce. It is a simple extension, as the gentleman from New York has explained, of the present act and which will be given further consideration as to any amendments thereto in the future within the next year. The extension runs until December 31, 1965, instead of as the present law provides to December 31, 1964.

The rule was reported by the unanimous vote of the Committee on Rules. I know of no opposition to either the rule or the bill itself, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ENCOURAGING CERTAIN PHYSICIANS AND DENTISTS TO PRACTICE IN AREAS HAVING A SHORTAGE OF PHYSICIANS OR DENTISTS

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 866 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2220) to encourage physicians and dentists who have received student loans under programs established pursuant to title VII of the Public Health Service Act to practice their professions in areas having a shortage of physicians or dentists. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto

to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks, I yield 30 minutes to the gentleman from Ohio [Mr. Brown].

Mr. Speaker, House Resolution 866 provides for consideration of S. 2220, a bill to encourage physicians and dentists who have received student loans under programs established pursuant to title VII of the Public Health Service Act to practice their professions in areas having a shortage of physicians or dentists. The resolution provides an open rule with 1 hour of general debate.

S. 2220 would amend the Public Health Service Act to permit the canceling of a portion of the unpaid balance of a student loan awarded to a physician or dentist who practices in a shortage area. The "shortage" areas in each State would be designated by the appropriate State health authority, in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare. For each year of practice in a shortage area, to a maximum of 5 years, 10 percent of the total of the outstanding loan plus accrued interest could be canceled.

In the report an interesting fact is stated. According to a study included in the hearing record on H.R. 12, 88th Congress, in 1960 in the 3,101 counties of the United States, based on a count of all active non-Federal physicians there were 145 physicians per 100,000 population in metropolitan counties, 72 per 100,000 population in adjacent counties, 79 per 100,000 population in isolated semi-rural counties, and only 46 per 100,000 population in isolated rural counties.

I believe that this legislation is worthy, and I urge the adoption of the rule.

I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, as the gentleman from Massachusetts [Mr. O'NEILL], a member of the Rules Committee, has explained, this rule makes in order the consideration of S. 2220 with 1 hour of general debate. The bill would permit cancellation of or reduction in the amount of loans, or a portion of the unpaid balance on loans, made to students of medicine who became physicians and who agree to enter practice in areas where there are great shortages of doctors.

The bill itself was reported by the Committee on Interstate and Foreign Commerce, I understand by a unanimous vote, and the bill was reported from the Rules Committee.

At the time the measure came before the Rules Committee, or a little later, we were informed there was some opposition from members of other legislative committees because, as they insisted at that time, this measure might possibly affect other student loans which had been provided for under other legislation emanating from other legislative committees. Therefore, there may be some

discussion and some debate and perhaps even some amendments or some opposition offered in connection with the measure under general debate, but I know of no opposition to the rule or to the consideration of this bill.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Yes. I yield to the gentleman from Minnesota.

Mr. QUIE. I want to assure the gentleman I am opposed to the rule and if I had been notified the bill was up before the Committee on Rules, I would have appeared in opposition to the rule there. I am still opposed to it and do not believe we should even consider this legislation.

Mr. BROWN of Ohio. I understand, of course, that the members, both in the majority and the minority, of the legislative committees having jurisdiction over legislation are notified as to hearings held on bills before the Committee on Rules emanating from such legislative committees, but, of course, the staff of the Committee on Rules itself does not endeavor to pass on the question as to whether or not some other legislative committee might possibly be interested in it and advise every member of such committee or every Member of the House itself that hearings will be held when application for a rule has been properly filed by the legislative committee having jurisdiction of the matter. I understand the reasons for some of the opposition to this legislation that have been advanced by members of the House Committee on Education and Labor which has jurisdiction over other legislation dealing with loans to various types and kinds of students, but I know of no opposition to the rule itself except as it is expressed here.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Yes. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I have no jurisdictional knowledge, expertise, or interest in this bill, but I would like to go on record as being against it. Therefore, I am against the rule which calls for the consideration of this bill under this circumstance. Anent the remarks which were made by the gentleman from Massachusetts [Mr. O'NEILL], in presenting his portion of the statement on behalf of the rule for consideration of this measure, as to whether or not we will resolve ourselves into the Committee of the Whole House on the State of the Union for the consideration of S. 2220, I would remind the House when we were considering that portion of H.R. 12 earlier in the year which had to do with loans and/or their forgiveness for young physicians graduating who would practice in remote areas and so forth, that I distributed to the House a mimeographed piece of paper entitled "Comments on H.R. 12, From a Physician's Point of View." As a practicing physician of recent years and of over 30 years in private practice, specialty practice, and remote practice as well as in rather small metropolitan area practice, in an area consisting of about 150,000 population, and as one physician in the Congress who has, according to the tech-

niques that are set down here as to adequate physician-to-population coverage, certainly carried at least double the recommended share, if not more than that, I simply want to submit that the definition of a shortage area or the definition of a remote area or the definition of a scarce area as determined by some bureaucrat just is not necessarily so. One must take into consideration such factors as enhanced and modern-day manners of communicating, increased transportation opportunities, affording much more rapid patient-doctor communication, and other things. In some cases I think I can say that we can get someone in dire distress from a remote area by even a second-class car (let alone ambulance), over our farm-to-market, county, and State-maintained roads, to say nothing about Interstate System roads, to adequate medical care, including laboratories, hospitals, consultation, and specially trained people, much quicker than we could in the old days go out to the barn and hitch up a horse and wagon and drive a few miles over a rough road into town. At that time it is true we did have more physicians per village than there are now, but no greater total ratio and, certainly all will concur, not so universally well trained.

So these supposedly comparative figures of the ratio of physicians to population in metropolitan areas, rural areas, suburban areas, must be taken with a grain of salt. They must be tinged with commonsense and leavened with the salt of reasoning so far as our modern day abilities are concerned. Indeed, the physicians of today can certainly take care of more people than they used to do when they had only the bedside technique.

Mr. Speaker, I intend to request time to speak further on the bill, but I appreciate the gentleman's courtesy in yielding to me under consideration of the rule in order that I might offset some of the wrong propaganda that is usually presented in connection with one of these bills which tends to socialize a profession that has given the highest type of medical service to the people of America and has extended their life tenure more than anywhere else in the world.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Missouri [Mr. HALL] for his very logical and illuminating statement of why he believes the bill itself should not be approved. However, I do not believe either his logic or his illuminating statement actually should be directed toward the question whether or not this rule should be adopted. The Rules Committee, believing that the Membership of the House should be given the opportunity to work its will, quite often reports bills to the floor making in order consideration of certain measures in the House which members of the Committee on Rules, who may have voted for the rule, oppose when the bill reaches the floor. I believe that the only question that we have before us at this time is whether or not the House should adopt this rule and, under the provisions of the rule, consider the legislation on its merits and listen to the

arguments for and against, such as those that have been made so eloquently by our friend and colleague from Missouri.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SOCIAL SECURITY TO SPOUSES OF RETIRED RAILROAD EMPLOYEES

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12362) to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits payable under title II of the Social Security Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 868 provides for consideration of H.R. 12362, a bill to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits payable under title II of the Social Security Act. The resolution provides an open rule with 1 hour of general debate.

H.R. 12362 amends section 2(e) of the Railroad Retirement Act of 1937 to permit the spouse of a railroad employee to receive a spouse's annuity under that section concurrently with the receipt of social security benefits earned in her own right without reduction in the spouse's annuity. Under existing law, social security benefits received by the spouse in her own right are deducted from her railroad retirement spouse's benefits.

Mr. Speaker, I urge the adoption of House Resolution 868.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, this rule has been well explained by the gentleman from Massachusetts [Mr. O'NEILL]. It provides for 1 hour of general debate under an open rule of H.R. 12362, a bill reported from the House Committee on Interstate and Foreign Commerce by a unanimous vote of the committee itself, to amend the Railroad Retirement Act of 1937 so as to eliminate certain provisions which would otherwise reduce the annuity of the spouses of retired employees by the amount of certain monthly benefits payable under title II of the Social Security Act or, to wit, the increases that might be voted under the Social Security Act itself, a very small increase I might add.

Mr. Speaker, the bill was presented before the Rules Committee in connection with the application for a rule. There is no opposition to the bill or to the granting of the rule. There is no opposition to this resolution.

Therefore, Mr. Speaker, I urge its adoption.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McFALL). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOOD ACTIVITIES TRANSITIONAL PROVISIONS AMENDMENT OF 1964

Mr. HARRIS. Mr. Speaker, I call up the bill (H.R. 12033) to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited the the "Food Additives Transitional Provisions Amendment of 1964".

SEC. 2. The penultimate sentence of subsection (c) of section 6 of the Food Additives Amendment of 1958 (Public Law 85-929, 72 Stat. 1784, 1788), as added by the "Food Additives Transitional Provisions Amendment of 1961" (Public Law 87-19, 75 Stat. 42), is hereby further amended by inserting before the period at the end thereof a colon and the following: "Provided, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) (B) of this subsection and clauses (1) and (11) of this sentence, further extend such effective date, but not beyond December 31, 1965".

SEC. 3. The penultimate sentence of section 3 of the Nematocide, Plant Regulator,

Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286, 288), as added by the "Food Additives Transitional Provisions Amendment of 1961" (Public Law 87-19, 75 Stat. 42), is hereby further amended by inserting before the period at the end thereof a colon and the following: "Provided, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) of this paragraph (b) and clauses (A) and (B) of this sentence, further extend such expiration date, but not beyond December 31, 1965".

Mr. HARRIS. Mr. Speaker, I move to strike out the last word.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, this bill is a straight extension of the provisions of existing law, under which the Food and Drug Administration is authorized to permit the continued use of certain food additives in the manufacture of food where there has not been a sufficient time for the completion of all the tests that are required under the provisions of the food additives amendments of 1958. It is my understanding that this legislation was drafted in consultation with the Food and Drug Administration, and that appropriate safeguards are included in the legislation for the protection of the public health. The Department of Health, Education, and Welfare and the Bureau of the Budget have indicated in their reports that they had no objection to the legislation.

In 1958, the Congress adopted the food additives amendments, which provide, in general, for advanced testing on all substances proposed to be used in the manufacture of food, and providing further that no substances could be so used until the Food and Drug Administration had been furnished adequate evidence indicating that the particular additive in question was safe for use. At the time the legislation was enacted, there were a number of additives which were in commercial use. In order to avoid disrupting the entire food processing industry, transitional provisions were included in the legislation under which any substance which was in commercial use as a food additive on or before January 1, 1958, could continue to be used if the Food and Drug Administration determined that the continued use of this additive involved no undue risk to the public health. The majority of the food additives in use in 1958 were cleared for use, or withdrawn from use, within the next few years. The transitional provisions were due to expire in March 1961, and approximately 4,000 substances required further testing at that time. The administration recommended to the Congress legislation which would have provided authority for an unlimited extension of time for the completion of tests on these substances; however, during the hearings in 1961 it was stated to us that within 3 years the bulk of these food additives could be tested for safety. The gentleman from New York [Mr. DELANEY] appeared before our committee and testified in op-

position to the open end extension, and recommended that the extension be for a limited period of time, with the understanding that if problems still remained at the end of the period of extension, the legislation could be further extended if necessary. The committee accepted that recommendation and extended the authority of the Food and Drug Administration to June 30, 1964. As of that date, approximately 250 additives still required further work. The purpose of this legislation is to permit an additional 18 months for the completion of necessary testing on these additives. We have been informed that, if reasonable diligence is used, all testing should be completed by December 31, 1965, which is the date on which this legislation expires.

This legislation has been carefully drawn to insure the complete protection of the public health. The Food and Drug Administration may not grant an extension of time for the testing of any food additive unless the following five findings are made:

First. Such extension involves no undue risk to the public health.

Second. Conditions exist which necessitate the prescribing of such additional period.

Third. Bona fide action to determine the applicability of such section 408 or 409 to such uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960.

Fourth. Such bona fide action was pursued with reasonable diligence after March 6, 1960.

Fifth. In the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith as soon as reasonably practicable the scientific investigations necessary as a basis for action under such section 408 or 409.

Mr. Speaker, I know of no objection to this legislation; it came out of our committee unanimously and I recommend its approval to the House.

Mr. SPRINGER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, there is one further point: It is not possible for the Secretary of Health, Education, and Welfare to permit the continued use of additives which the distinguished chairman has so well pointed out, unless he finds that first, such extension involves no undue risk to the public health; second, conditions exist which necessitate the prescribing of such additional period; third, bona fide action to determine the applicability of such section 408 or 409 to such uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960; fourth, such bona fide action was pursued with reasonable diligence after March 6, 1960; and, fifth, in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith as soon as reasonably practicable the scientific investigations necessary as

a basis for action under such section 408 or 409.

With that clarification I believe that the Secretary would be justified in granting such extensions. The hundreds of these pesticides and additives which are in use, which were in use in 1958 and have been continued since that time, but are being tested, I believe, by the Food and Drug Administration, certainly should give them more time to do that. It seems to me that the extension of some 18 months is reasonable and in the public interest.

We held extensive hearings on this bill, and we were familiar with this matter in connection with two other cases before the committee that I know of. The bill came out of the committee unanimously, and I believe it should be passed.

Mr. BLATNIK. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, at the outset may I express my appreciation to the distinguished chairman of the committee, the gentleman from Arkansas [Mr. HARRIS], for the general legislation on this subject which involves the health and welfare of American consumers of food.

I appreciate the point raised by the gentleman from Illinois [Mr. SPRINGER], which clearly points out that the public interest and the interest of the Congress are protected very precisely, and by putting on another time limit we also put pressure on these companies to complete the work, which, as has been pointed out, has been pursued with diligence and earnestness. There are some firms which use nontoxic additives and chemicals in their processing. They are compelled or required to prove just what effects they may or may not have. In some 250 instances they were not able to complete their work, and in some of these cases their work is close to completion.

Let me cite the specific case of an outstanding firm in my district, the Chun King Corp., a producer of Chinese foods. They did not use an additive but a chemical involved in the growing of bean sprouts which is essential to their whole operation. If they were to be prevented from using this chemical they would be forced out of business with consequent serious unemployment.

We are appreciative of the special effort made by the chairman and by the members on both sides of the committee to give real consideration to the business and industry people who do need it, and who I am confident will comply with the terms and conditions of the act.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. CURTIN. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CURTIN. Mr. Speaker, a very fine Christian gentleman passed away this morning. I am referring to the Honorable John T. Gross, who was the mayor of the city of Allentown, Pa., located in the district that I have the honor to represent.

The untimely passing of Mr. Gross was at the age of 55, and he will be sadly missed by his host of friends and admirers, not only in the Lehigh Valley area, but in all the Commonwealth of Pennsylvania.

Mr. Gross made his mark in the Pennsylvania Department of Commerce where his outstanding work will be long remembered. From this, Mr. Gross advanced to the office of mayor of the city of Allentown, known as the Queen City, where he was serving his second term as the first citizen of that fine city.

I share with all of the city of Allentown a deep sense of loss in the passing of Mr. Gross, who was a mayor of all the people, who was the son of a former mayor, and who had a deep sense of pride in the progress of that great city. Our sympathies especially go out to his wonderful wife and son.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. ROONEY].

Mr. ROONEY of Pennsylvania. Mr. Speaker, early this morning, the Commonwealth of Pennsylvania lost one of its finest and most capable public servants.

Mayor John T. Gross, of Allentown, Pa., was among the most progressive, hard-working men ever to hold public office in our State. Prior to his election as mayor of the city of Allentown he was Assistant Secretary of Commerce in Pennsylvania. He died today of a heart attack, leaving a vacuum in municipal leadership in our Lehigh Valley which cannot and will not be easily filled.

But Mayor Gross left something magnificent behind him—the kind of memorial all men would like to leave but few are able to pass on to the generations which follow them.

In his tenure as mayor of the great and thriving city of Allentown, John T. Gross put into action a forward-looking, intelligent plan for city growth. He was a leader in the American effort to renew and restore our vital urban centers.

Within a matter of weeks, the city was to dedicate its beautiful new city government building. It stands, today, as a tribute to the devotion and dedication and vision of Mayor Gross.

It is not often in public life that it may be said that a man has truly risen above the hue and cry of partisan considerations to become a servant of all the people, without exception and without discrimination. John Gross was such a man.

The mark of a man is truly found in the imprint he has left upon his community.

And, in that respect, Mayor John T. Gross, of Allentown, will live in memory and in fact as a mold of the community in which he lived and the entire Lehigh Valley region in which he served.

I join my colleague, the gentleman from Pennsylvania, Congressman CURTIN, in extending my heartfelt sympathy to his lovely wife and to his son.

Mr. ROBERTS of Alabama. Mr. Speaker, I move to strike out the last word.

(Mr. ROBERTS of Alabama asked and was given permission to proceed out of the regular order.)

Mr. ROBERTS of Alabama. Mr. Speaker, as one of his last moves Attorney General Robert Kennedy has brought suit against practically every public official in the district I have the honor to represent. I have not been able to determine whether this suit is in the nature of a criminal action or a civil action. However, it is based on alleged facts which occurred several months prior to the passage of the civil rights bill of 1964.

Today I sent this telegram to the President of the United States which I would like to read into the RECORD. It is as follows:

WASHINGTON, D.C.,
September 3, 1964.

The PRESIDENT,
The White House:

According to press reports, Attorney General Kennedy has as one of his last acts filed suit against local officials in the Fourth District of Alabama; namely, Sheriff James G. Clark, Jr., his eight deputies, and the county posse: Fourth Circuit Solicitor Blanchard McLeod, of Camden; Fourth Circuit Judge James Hare, of Selma; Bernard A. Reynolds, Dallas County probate judge; and the city of Selma. I charge that this is a last move on the part of the Attorney General to further his ambitions in the State of New York at the expense and harassment of the local officials of Alabama who have hardly had time to read and understand the new Civil Rights Act. I protest this highhanded, uncalled for, and politically motivated action on the part of the Attorney General. I call your attention to the fact that these suits are based on alleged facts occurring prior to congressional action on the Civil Rights Act and I feel sure that all of the officials involved will be fully exonerated by the courts in this case. I ask for a full and fair examination of the basis of this flagrant abuse of power.

KENNETH A. ROBERTS,
Member of Congress.

I might say during the debate on the civil rights bill I pointed out the fact that the Department of Justice had supplied free transportation in the form of free automobiles to Rev. Martin Luther King and others for the purpose of promoting demonstrations. I might say that during all of these demonstrations perfect order was maintained, no one was shot and orderly procedures were followed throughout those tense days in Selma.

I hope the President will see fit to investigate the basis of what I think is a politically motivated action.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF RESTRICTION AGAINST PAYMENT OF SOCIAL SECURITY BENEFITS TO SPOUSES OF RETIRED RAILROAD EM- PLOYEES

Mr. HARRIS. Mr. Speaker, I call up the bill (H.R. 12362) to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits payable under title II of the Social Security Act, and ask unanimous consent

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HIGHLIGHTS: House agreed to conference report on Public Law 480; Sen. Fulbright moved to refer report to Foreign Relations Committee. Both Houses received from President report on trade agreements program.

SENATE

1. PUBLIC LAW 480. Debated the conference report on S. 2687, to extend the Public Law 480 program (pp. 21842, 21873-78). Sen. Fulbright objected to certain provisions of the bill as reported from conference and made a motion that the conference report be referred to the Foreign Relations Committee for hearings and study. Agreed to a unanimous-consent agreement to vote on the Fulbright motion on Thurs., Sept. 24. (pp. 21873-78)
2. FOREIGN AID. Continued debate on reapportionment amendments to H. R. 11380, the foreign aid authorization bill pp. 21863-69, 21872-3
Sen. Sparkman commended the program under the Alliance for Progress to aid the underprivileged in Latin America in the construction of housing and inserted a report from AID reviewing the program. pp. 21878-80

3. FOOD ADDITIVES. The Labor and Public Welfare Committee reported without amendment H. R. 12033, to authorize the Secretary of HEW to permit until Dec. 31, 1965, under certain conditions, the continued use of certain food additives and pesticide chemicals which were in commercial use before Jan. 1, 1958, but which have not been cleared for use under the Federal Food, Drug, and Cosmetic Act (S. Rept. 1593). p. 21836
4. VIRGIN ISLANDS; IMPORTS. The "Daily Digest" states that the Finance Committee tabled H. R. 10170, to continue until the close of June 30, 1965, the existing exemption from duty enjoyed by returning residents arriving from the Virgin Islands. p. D786
5. TARIFFS. The Finance Committee voted to report (but did not actually report) with amendments H. R. 12253, to amend certain tariff schedules. The "Daily Digest" states that the bill was amended to increase the duty on wool fabrics made of a blend of reclaimed wool and ramie or flax and to clarify the duty-free status of certain farm equipment. pp. D785-6
6. TRADE AGREEMENTS. Both Houses received from the President the annual report on the operation of the trade agreements program. The President stated that in 1963 U. S. farm exports rose to an all-time record to \$5.6 billion and that total U. S. exports reached a new high of \$22.3 billion, \$5.1 billion more than our imports. (H. Doc. 366) pp. 21835, 21923
7. CONGRESSIONAL PROCEDURE. Sen. Clark inserted his proposed comprehensive revision of the Senate rules. pp. 21880-921

HOUSE

8. PUBLIC LAW 480. Agreed to the conference report on S. 2687, to extend the Public Law 480 program. (See Digest 182 for a summary of provisions.) pp. 21923-28
9. LANDS. By a vote of 180 to 118, passed as reported H. R. 1096, to authorize the Secretary of the Interior to cooperate with Wisc. in the designation and administration of the Ice Age National Scientific Reserve. pp. 21928-38
10. PERSONNEL; PAY. Concurred in Senate amendments to H. R. 5932, to amend the Government Employees Salary Reform Act of 1964 so as to authorize that the pay increases provided for be made retroactively effective in the case of employees whose pay is established through administrative action. This bill will now be sent to the president. p. 21939
11. FARM LABOR. Rep. Teague, Calif., inserted an article pointing out that with the termination of the bracero program the Mexican farmers will have a big advantage over California farmers and that the bulk of the strawberries, tomatoes, and cantaloupes will be grown in Mexico rather than in California. pp. 21950-1
12. PRICE-WAGE CONTROL. Rep. Curtis criticized the administration's "guidelines" approach to price-wage control. p. 21950
13. WATER RESOURCES. Rep. Schwengle inserted a speech outlining a program for the underground storage of water "to prevent tremendous evaporation losses and to aid in the furtherance of comprehensive flood control programs." pp. 21951-4

FOOD ADDITIVES TRANSITIONAL PROVISIONS
AMENDMENT OF 1964

SEPTEMBER 23, 1964.—Ordered to be printed

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare,
submitted the following

REPORT

[To accompany H.R. 12033]

The Committee on Labor and Public Welfare, to whom was referred the bill (H.R. 12033) to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

SUMMARY

H.R. 12033 would extend the final effective date of the Food Additives Amendment of 1958, as amended, from June 30, 1964, to December 31, 1965, to authorize the Secretary of Health, Education, and Welfare to permit the continued use of certain food additives pending the completion of testing to ascertain their safety; providing he determines that no undue risk to the public health is involved, that conditions necessitate additional time for the testing, and that the testing has been undertaken and is being diligently pursued.

The Food Additives Amendment of 1958 (Public Law 85-929) requires the advance clearance by the Food and Drug Administration of all substances proposed as food additives, but permitted the continued use of additives in commercial use on January 1, 1958, until March 6, 1961, so that the required testing could be carried out. Experience revealed more time was needed for the completion of testing on a number of additives and Congress approved Public Law 87-19 that extended the final effective date until June 30, 1964. Although testing involving some 3,000 food additives has been completed, there are still some 250 food additives on which no

final determination concerning safety has been made. These cases involve situations where unexpected difficulties have arisen and needed information is still lacking even though the industries affected have proceeded with all due diligence. H.R. 12033 would extend the period for the completion of testing until December 31, 1965.

H.R. 12033 also authorizes the same extension for the transitional provisions of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959¹ that transferred some 30 agricultural chemicals from the food additive provisions of the Food, Drug, and Cosmetic Act to its pesticide chemical provisions.

BACKGROUND

The Food Additives Amendment of 1958 (Public Law 85-929, approved Sept. 6, 1958) added a new section 409 to the Federal Food, Drug, and Cosmetic Act, which provided in general for advance clearance by the Food and Drug Administration of all substances proposed to be used as food additives. The act contained transitional provisions permitting the continued use of additives which were in commercial use on January 1, 1958, requiring that such additives be tested for safety leading to eventual clearance under section 409. The original transition period was 2½ years in duration, and was due to expire on March 6, 1961.

Experience developed under the operation of the Food Additives Amendment of 1958 revealed that the 2½-year period allowed in the law was insufficient for the completion of testing on a number of additives, and more time was required. The Administration therefore recommended the enactment of legislation (H.R. 3980, 87th Cong.) which would have permitted the Secretary to grant unlimited extensions of time for the testing of additives covered by the 1958 transitional provisions. Testimony of the Commissioner of the Food and Drug Administration indicated that the bulk of the additives covered by the legislation could be tested within 3 years. The proposed legislation was amended so as to limit the duration of extensions to June 30, 1964, and was enacted April 7, 1961, as the Food Additives Transitional Provisions Amendment of 1961 (Public Law 87-19).

As of June 30, 1964, approximately 250 food additives had not as yet been cleared under the food additives amendment, and further research will be required with respect to these additives. The principal area where additional time is needed is in the field of packaging materials that come into contact with food. It has not been finally determined in the case of some packaging materials whether there is migration of substances to the foods. In other cases there has been insufficient time to carry out the intensive scientific testing by the manufacturer and the evaluation of testing that is the responsibility of the Food and Drug Administration. These cases involve situations where unexpected difficulties have arisen, and it has been impossible to obtain all the information required by the food addi-

¹ The term "nematocide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes. Nematodes are unsegmented round worms with elongated, fusiform, or sacklike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts. They are also known as nemas or eelworms. The term "plant regulator" means any substance or mixture of substances, intended through physiological action for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

tives amendment in the period provided by law, even though the industries affected have proceeded with all due diligence.

The reported bill would authorize the Secretary of Health, Education, and Welfare to permit until December 31, 1965, the continued use of certain food additives and pesticide chemicals which were in commercial use before January 1, 1958, but which have not been cleared for use under sections 408 or 409 of the Federal Food, Drug, and Cosmetic Act, if he finds that—

- (1) such extension involves no undue risk to the public health;
- (2) conditions exist which necessitate the prescribing of such additional period;
- (3) bona fide action to determine the applicability of such section 408 or 409 to such uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960;
- (4) such bona fide action was pursued with reasonable diligence after March 6, 1960; and
- (5) in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith as soon as reasonably practicable the scientific investigations necessary as a basis for action under such sections 408 or 409.

DETAILED ANALYSIS

The first section of the bill contains a short title which is the "Food Additives Transitional Provisions Amendment of 1964."

Section 2 of the bill amends the next to last sentence of section 6(c) of the Food Additives Amendment of 1958 by permitting extensions heretofore granted with respect to food additives in commercial use before January 1, 1958, to be further extended, but not beyond December 31, 1965, if the Secretary makes appropriate findings prescribed in such section 6(c). In general these findings require that there be no undue risk to the public health, that conditions exist which necessitate the prescribing of such additional period, that bona fide action leading to a determination with respect to the clearance of such additives was commenced before March 6, 1960, and was thereafter pursued with reasonable diligence, and that such extension is consistent with the objective of carrying to completion the necessary scientific investigations.

Section 3 amends the next to last sentence of section 3 of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 to make an amendment with respect to pesticide chemicals similar in effect to the amendment made by section 2 of the bill with respect to food additives.

Section 3(b) of that act provides that, with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, "if such use was made of such substance before January 1, 1958," the old adulteration provisions of the Food and Drug Act shall continue to apply until March 5, 1960, or until the end of such additional period, not beyond June 30, 1964, as the Secretary of Health, Education, and Welfare may prescribe. This provision was amended by the Food Additives Transitional Provisions Amendment of 1961, so as to include the 1964 date specified above, in order to make possible the bona fide

completion of needed scientific studies that could not be completed by March 5, 1961 (the date originally specified in the law).

Under the amendment made by the bill, the Secretary of Health, Education, and Welfare may permit extensions heretofore granted with respect to these pesticide chemicals to be further extended, but not beyond December 31, 1965, if the Secretary makes findings that there will be no undue risk to the public health, that conditions exists which necessitate the prescribing of such additional period, that bona fide action leading to a determination with respect to the clearance of such chemicals was commenced before March 6, 1960, and was thereafter pursued with reasonable diligence, and that such extension is consistent with the objective of carrying to completion the necessary scientific investigations.

DEPARTMENTAL REPORTS

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., September 16, 1964.

Hon. LISTER HILL,
*Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of September 9, 1964, for the views of the Bureau of the Budget on H.R. 12033, a bill to further amend the transitional provisions of the act approved September 6, 1958, entitled "an act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes.

In its August 6, 1964, report to your committee on S. 2977, a bill identical to H.R. 12033, the Bureau stated that in view of the considerations set forth in the report of the Department of Health, Education, and Welfare, it would have no objection to enactment of S. 2977. Accordingly, the Bureau would have no objection to enactment of H.R. 12033.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
September 11, 1964.

Hon. LISTER HILL,
*Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This report is in response to your request of September 9, 1964, for a report on H.R. 12033 (as passed by the House), a bill to be known as the Food Additives Transitional Provisions Amendment of 1964.

The bill is identical with S. 2977, on which, in our report of July 17 to you, we advised that, for the reasons stated at length in the enclosure to that letter, we would have no objection to its enactment. (See also, the explanation of the House bill, and our report thereon, set forth in H. Rept. 1770 on that bill.)

We therefore would have no objection to the enactment of H.R. 12033.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Assistant Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: This is in response to the joint letter, dated May 21, 1964, from you, Senator McCarthy, and Congressman Blatnik, requesting that we comment on an enclosed copy of a draft bill to further amend the transitional provisions of the Food Additives Amendment of 1958 and for other purposes. The draft bill would have the short title "Food Additives Transitional Provisions Amendment of 1964."

The draft bill proposes, under safeguards described below, to extend from June 30, 1964, to June 30, 1966, our authority to postpone on an ad hoc basis—with respect to chemicals that were in commercial use before 1958—the effective date of section 3 of the Food Additives Amendment of 1958 (Public Law 85-929), which amended the adulteration provisions of the Food and Drug Act so as to deem a food additive adulterated unless its use has been cleared for safety. The bill would likewise extend from June 30, 1964, to June 30, 1966, our authority to postpone the effective date of the changes made in the adulteration provisions of the Food and Drug Act by the Pesticide Chemicals Amendment (Public Law 83-518), as applied to those chemicals in commercial use before 1958 that were classified as "pesticide chemicals" (instead of "food additives") by the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139). During any such postponement the adulteration provisions of preexisting law under the Food and Drug Act would continue to apply.

As you will recall, the Food Additives Amendment of 1958 (Public Law 85-929) contained transitional provisions authorizing us to postpone until March 5, 1961, the effective date of the provisions above referred to, as applied to additives in commercial use before 1958, if we found that this was necessary and that it would involve no undue risk to the public health. Similarly, when the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139) brought certain agricultural chemicals—about 30 in number—under the Federal Insecticide, Fungicide, and Rodenticide Act and thus indirectly transferred such chemicals from the purview of the food additive provisions of the Food and Drug Act to that of the pesticide chemicals provisions of that act, it contained parallel transitional provisions, meshing with those of the food additives amendment, with respect to those chemicals in commercial use before 1958.

When it became apparent that the March 5, 1961, limitation on the period for which we could thus extend the final effective date involved under these two amendatory laws, as applied to chemicals on

the market before 1958, was insufficient to permit resolution of all the complex scientific problems which arose, Congress, by the Food Additives Transitional Provisions Amendment of 1961 (Public Law 87-19), authorized us to grant further postponements, but not beyond June 30, 1964, on an ad hoc basis, in the case of any such chemical in commercial use for which we had previously granted a postponement to March 6, 1961 (or had a request for an extension pending on that date), if, in addition to making the findings required as a basis for the prior postponement, we found (i) that bona fide action to determine the applicability of the clearance requirements of the food additives amendment or pesticide chemicals amendment to such use or to develop the scientific data necessary for action thereunder was commenced before March 6, 1960, and thereafter pursued with reasonable diligence; and (ii) that in our judgment such further postponement was consistent with the objectives of carrying the necessary scientific investigations to completion in good faith as soon as reasonably practicable. At the time of the enactment of Public Law 87-19 in 1961, over 3,000 uses of chemicals were covered by postponements to March 5, 1961, that we had granted.

The draft bill enclosed with your letter would amend the earlier legislation to authorize us to grant a further postponement, but not beyond June 30, 1966, in any case in which we had previously granted a postponement with respect to a use of a chemical until June 30, 1964. Such a postponement beyond June 30, 1964, could, however, be granted under the terms of the draft bill only if we again made the same findings as are described above under (i) and (ii). The June 30, 1964, cutoff date had been inserted by Congress at the time of the 1961 amendment (Public Law 87-19) because it then was estimated that the bulk of the cases could be finally dealt with in about 3 additional years. It was understood that if that estimate proved overly optimistic, legislative authority to grant additional extensions might have to be sought.

While it has been possible for both the industries concerned and this Department to complete the work involved on most of the 3,000 extensions, there are still some 250 uses of food additives and pesticide chemicals on which we are not yet prepared to take final action. The problems on most of these will be resolved within the next 6 to 12 months. However, there are a few cases in which scientific work now in progress could not be completed and evaluated by us within 1 year. In our opinion, the cases pending can be resolved finally within 18 months if pursued with diligence and the expiration date stated in the bill should therefore be December 31, 1965. Second, the draft bill needs to be clarified as shown in the enclosed markup, to incorporate by reference the requirement of existing law that any ad hoc postponement granted for the use of a chemical must be based on a finding that the postponement is necessary and involves no undue risk to the public health. (This provision was, we understand, omitted from the draft through inadvertence.)

We would not object to the enactment of the proposed legislation if amended as above suggested. We do not envision circumstances which would require any further extension beyond December 31, 1965.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report.

Sincerely,

ANTHONY J. CELEBREZZE, *Secretary*.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 6(c) OF THE FOOD ADDITIVES AMENDMENT OF 1958

SEC. 6. (a) * * *

* * * * *

(c) With respect to any particular commercial use of a food additive, if such use was made of such additive before January 1, 1958, section 3 of this Act shall take effect—

(1) either (A) one year after the effective date established in subsection (b) of this section, or (B) at the end of such additional period (but not later than two years from such effective date established in subsection (b)) as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) on the date on which an order with respect to such use under section 409 of the Federal Food, Drug, and Cosmetic Act becomes effective,

whichever date first occurs. Whenever the Secretary has, pursuant to clause (1)(B) of this subsection, extended the effective date of section 3 of this Act to March 5, 1961, or has on that date a request for such extension pending before him, with respect to any such particular use of a food additive, he may, notwithstanding the parenthetical time limitation in that clause, further extend such effective date, not beyond June 30, 1964, under the authority of that clause (but subject to clause (2)) with respect to such use of the additive (or a more limited specified use or uses thereof) if, in addition to making the findings required by clause (1)(B), he finds (i) that bona fide action to determine the applicability of such section 409 to such use or uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960, and was thereafter pursued with reasonable diligence, and (ii) that in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith, as soon as reasonably practicable, the scientific investigations necessary as a basis for action under such section 409: *Provided, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) (B) of this subsection and clauses (i) and (ii) of this sentence, further extend such effective date, but not beyond December 31, 1965.* The Secretary may at any time terminate an extension so granted if he finds that it should not have been granted, or that by reason of a change in circumstances the basis for such extension no longer exists, or that there has been a failure to comply with a requirement for

submission of progress reports or with other conditions attached to such extension.

* * * * *

SECTION 3 OF THE NEMATOCIDE, PLANT REGULATOR, DEFOLIANT, AND DESICCANT AMENDMENT OF 1959

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, or

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act,

whichever date first occurs; and

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of the enactment of the Act of July 22, 1954 (68 Stat. 511) (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective,

whichever date first occurs. Whenever the Secretary of Health, Education, and Welfare has, pursuant to clause (1) of this paragraph (b), prescribed an additional period expiring on March 5, 1961, or has on that date a request for such extension pending before him, with respect to any such particular use of a nematocide, plant regulator, defoliant, or desiccant, he may notwithstanding the provision to the contrary in such clause (1), further extend the expiration date not beyond June 30, 1964, applicable

under such clause (1) (but subject to clause (2)) with respect to such use of such substance (or a more limited specified use or uses thereof), if, in addition to making the findings required by clause (1), he finds (A) that bona fide action to determine the applicability of such section 408 to such use or uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960, and was thereafter pursued with reasonable diligence, and (B) that in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith, as soon as reasonably practicable, the scientific investigations necessary as a basis for action under such section 408: *Provided, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) of this paragraph (b) and clauses (A) and (B) of this sentence, further extend such expiration date, but not beyond December 31, 1965.* The Secretary may at any time terminate an extension so granted if he finds that it should not have been granted, or that by reason of a change in circumstances the basis for such extension no longer exists, or that there has been a failure to comply with a requirement for submission of progress reports or with other conditions attached to such extension.

C

Calendar No. 1530

88TH CONGRESS
2D SESSION

H. R. 12033

[Report No. 1593]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 1964

Read twice and referred to the Committee on Labor and Public Welfare

SEPTEMBER 23, 1964

Reported by Mr. YARBOROUGH, without amendment

AN ACT

To further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Food Additives Tran-
4 sitional Provisions Amendment of 1964".

5 SEC. 2. The penultimate sentence of subsection (c) of
6 section 6 of the Food Additives Amendment of 1958 (Pub-
7 lic Law 85-929, 72 Stat. 1784, 1788), as added by the
8 "Food Additives Transitional Provisions Amendment of

1 1961” (Public Law 87-19, 75 Stat. 42), is hereby further
2 amended by inserting before the period at the end thereof
3 a colon and the following: “*Provided*, That if the Secretary
4 has, pursuant to this sentence, granted an extension to June
5 30, 1964, he may, upon making the findings required by
6 clause (1) (B) of this subsection and clauses (i) and (ii)
7 of this sentence, further extend such effective date, but not
8 beyond December 31, 1965”.

9 SEC. 3. The penultimate sentence of section 3 of the
10 Nematocide, Plant Regulator, Defoliant, and Desiccant
11 Amendment of 1959 (Public Law 86-139, 73 Stat. 286,
12 288), as added by the “Food Additives Transitional Pro-
13 visions Amendment of 1961” (Public Law 87-19, 75 Stat.
14 42), is hereby further amended by inserting before the period
15 at the end thereof a colon and the following: “*Provided*,
16 That if the Secretary has, pursuant to this sentence, granted
17 an extension to June 30, 1964, he may, upon making the
18 findings required by clause (1) of this paragraph (b) and
19 clauses (A) and (B) of this sentence, further extend such
20 expiration date, but not beyond December 31, 1965”.

Passed the House of Representatives September 3, 1964.

Attest:

RALPH R. ROBERTS,

Clerk.

Calendar No. 1530

88TH CONGRESS
2D SESSION

H. R. 12033

[Report No. 1593]

AN ACT

To further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

SEPTEMBER 8, 1964

Read twice and referred to the Committee on Labor and Public Welfare

SEPTEMBER 23, 1964

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official business

Postage and fees paid

U. S. Department of Agriculture

OFFICE OF
BUDGET AND FINANCE

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Issued Sept. 25, 1964

For actions of Sept. 24, 1964

88th - 2nd; No. 184

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HIGHLIGHTS: Senate agreed to conference report on Public Law 480 bill (ready for President). Senate passed foreign aid authorization bill. Rep. Cramer submitted minority views on Appalachia bill.

SENATE

1. PUBLIC LAW 480. By a vote of 54 to 11, agreed to the conference report on S. 2687, to extend the Public Law 480 program (pp. 22057-67). By a vote of 24 to 46, rejected a motion by Sen. Fulbright to refer the conference report to the Foreign Relations Committee for hearings and study (pp. 22057-64). This bill will now be sent to the President. See Digest 182 for a summary of the bill.
2. FOREIGN AID. By a vote of 44 to 16, passed with amendments H. R. 11380, the foreign aid authorization bill (pp. 22025-7, 22030-57, 22067-78). Conferees were appointed (pp. 22078). House conferees have not yet been appointed.
3. ROADS AND TRAILS. Passed without amendment H. R. 12289, to establish a committee to develop plans for marking the route traversed by Lewis and Clark from St. Louis to the Pacific. A similar bill, S. 3116, was stricken from the Calendar. This bill will now be sent to the President. p. 22153

4. APPALACHIA. Resumed consideration of S. 2782, to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region. p. 22153
5. STOCKPILING. Passed without amendment H. R. 12091. to authorize the disposal without regard to the prescribed 6-month waiting period of approximately 9,500,000 pounds of sisal from the national stockpile. This bill will now be sent to the President. p. 22138
6. EMPLOYMENT; COMMITTEES. Passed without amendment S. 3174, to amend the Employment Act of 1946 so as to remove the ceiling on appropriations for the Joint Economic Committee. p. 22153
7. FOOD ADDITIVES. Passed over, at the request of Sen. Mansfield, H. R. 12033, to authorize the Secretary of HEW to permit until Dec. 31, 1965, under certain conditions, the continued use of certain food additives and pesticide chemicals which were in commercial use before Jan. 1, 1958, but which have not been cleared for use under the Federal Food, Drug, and Cosmetic Act. p. 22153
8. APPROPRIATIONS. The "Daily Digest" states that the Appropriations Committee concluded hearings on H. R. 12633, the supplemental appropriation bill for 1965, and will meet in executive session Tues., Sept. 29, to mark up the bill. p. D791
Received from the President supplemental appropriation estimates of \$1,024,994 to pay judgments rendered against the U. S. (S. Doc. 101). p. 22078
9. COMMUNICATIONS; GENERAL SERVICES. Received from GAO a report "on unnecessary costs to the Government for commercial long-distance telephone calls made by Federal agencies in the San Francisco region between cities served by the Federal Telecommunications System, General Services Administration." p. 22078
10. ADMINISTRATIVE PROCEDURE; INTERSTATE COMMERCE. Sen. Dirksen inserted an address by a member of the Federal Trade Commission, "Agency Decisionmaking: Adjudication by the Federal Trade Commission." pp. 22088-9
11. MONETARY REFORM. Sen. Javits stated that the U. S. now favors liberalizing the international monetary system and inserted several items on the matter. pp. 22127-9
12. ELECTRIFICATION. Sen. Dominick commended the announcement of the Colo. Public Service Co. and by other public service companies "of the formation of a new group called the Western Energy Supply & Transmission Associates for the purpose of putting together the largest regional electric power development program ever planned." pp. 22129-30
13. LEGISLATIVE PROGRAM. Sen. Mansfield expressed hope that the Senate could complete action on S. 2783, the Appalachia bill, Fri., Sept. 25. pp. 22067, 22153-4

Communist government of Rumania on charges that she acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania, shall be determined to be creditable service for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 et seq.).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nora Isabella Samuelli, the sum of \$55,000 as a gratuity for the sacrifices sustained by her as a result of having been imprisoned for twelve years by the Communist government of Rumania on charges that the said Nora Isabella Samuelli acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

"SEC. 2. The period from July 24, 1949, to June 14, 1961, inclusive, during which Nora Isabella Samuelli was imprisoned by the Communist government of Rumania on charges that she acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania, shall be determined to be creditable service for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 et seq.)."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1588), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill, as amended, is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Nora Isabella Samuelli the sum of \$55,000 as a gratuity for the sacrifices sustained by her as a result of having been imprisoned for 12 years by the Communist government of Rumania on charges that the said Nora Isabella Samuelli acted as a spy for the United States while employed in the U.S. Legation in Bucharest, Rumania. The bill also contains a prohibition against the payment of attorney's fees and grants to the claimant creditable service for purposes of the Civil Service Retirement Act those years which she spent in incarceration.

BILL PASSED OVER

The bill (H.R. 8427) to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT TO EMPLOYMENT ACT OF 1946

The bill (S. 3174) to amend section 5 of the Employment Act of 1946 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Employment Act of 1946, as amended (15 U.S.C. 1024; 60 Stat. 23, Public Law 304, Seventy-ninth Congress), is amended to read as follows:

"(e) To enable the joint committee to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1590), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of S. 3174 is to eliminate the ceiling placed in the Employment Act of 1946 on appropriations for the Joint Economic Committee, leaving the Appropriations Committee free to appropriate such funds as may be necessary for the Joint Economic Committee.

The Employment Act of 1946, as amended, now contains a maximum authorization for appropriations for the Joint Economic Committee of \$125,000 for each fiscal year. The proposed amendment to the act strikes out "\$125,000" and inserts in lieu thereof "such funds as may be necessary." This is a technical amendment which will do no more than bring section 5(e) of the Employment Act in line with the practice now prevailing with reference to appropriations for congressional committees in general. It will parallel a similar amendment to the Employment Act in 1961 dealing with appropriations for the Council of Economic Advisors also created by the Employment Act of 1946.

Under this amendment the Appropriations Committees of the House and Senate will recommend each year, upon justification by the Joint Economic Committee, the amount necessary to enable the joint committee to exercise its powers, functions, and duties under the Employment Act of 1946.

BILL PASSED OVER

The bill (H.R. 1927) to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict and their widows and children, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANSFIELD. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LEWIS AND CLARK TRAIL COMMISSION

The bill (H.R. 12289) to establish the Lewis and Clark Trail Commission and for other purposes was considered, or-

dered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 12033) to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANSFIELD. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of Calendar 1318, S. 2782.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate resumed the consideration of the bill.

ESTABLISHMENT OF THE LEWIS AND CLARK TRAIL COMMISSION

Mr. MANSFIELD. Mr. President, in view of the fact that the Senate this afternoon passed Calendar 1529, H.R. 12289, to establish the Lewis and Clark Trail Commission, and for other purposes, I move that S. 3116, Calendar No. 1471, a bill for the same purpose, be stricken from the Calendar.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business tonight, it adjourn to meet tomorrow at 11 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is hoped that the Senate will be able to reach a conclusion on the Appalachia bill, S. 2782, tomorrow. Whether or not that will happen remains to be seen.

However, I wish to state for the information of the Senate that following the disposition of the Appalachia bill, or even perhaps impinging on it on Monday, it is the intention of the leadership to call up Calendar 1453, H.R. 9124, the so-called ROTC bill.

I should like to compliment the Senate for the energy, vitality, and vigor which it showed so effectively, not only on the floor of the Senate but also in conference, where great work was done in bringing about agreement on the National Defense Education Act under the leadership of the distinguished senior Senator from Oregon [Mr. MORSE].

I hope also that similar results will be forthcoming, in a different vein, from the Committee on Finance, which early this afternoon was in conference on the social security bill.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I thank the Senator for his kind comments. I believe the results this afternoon round out a year—if we finally pass the bill to which the Senator has referred—of the greatest progress in the history of education legislation in a century.

However, the majority leader should know that a great many technical changes must be worked out on the conference report by the staff. We shall probably not have the report ready for action by the Senate before next Monday. At least that is what the technical experts advise us.

Also, in my judgment the conference would not have reached agreement today had it not been for the excellent work of Representative ADAM CLAYTON FOWELL, who served as the chairman of the conference, and who was cooperative with both the Senate conferees and the House conferees.

Mr. MANSFIELD. I am delighted to have that report. I do not believe Monday is too long a time to wait for such an important conference report.

Mr. KUCHEL. Mr. President, may we assume from the majority leader's comments that there is very little likelihood that the Senate will have a Saturday session this week.

Mr. MANSFIELD. This is the wrong time for me to be asked that kind of question. I hope there will be no Saturday session. I hope it will be possible to pass the Appalachia bill tomorrow, or at least dispose of it one way or another.

Mr. KUCHEL. I join the Senator in the hope that there will not be a Saturday session.

Mr. YARBOROUGH. Mr. President, having been one of the Senate conferees on the extension of the National Defense Education Act, and having met practically all day in conference on that bill, as well as on the extension of the Impacted Area Act, I should like to tell the Senate what an excellent piece of work was done in conference by the chairman of the Senate conferees, the distinguished senior Senator from Oregon [Mr. MORSE]. It was his skill and tact in that conference that led to such fine results.

I have never seen the Senator from Oregon more amenable, courteous, and

charming. I am sure he lulled the House conferees into a state of security and affability. We do not often see him in that role in the Senate, where he is the tiger of the Senate. What we achieved was the result of his outstanding leadership.

Mr. MORSE. The conferees listened to reason; too frequently, the Senate does not.

OUR GREATEST CAPITAL INVESTMENT—THE EDUCATION OF OUR CHILDREN

Mr. PELL. Mr. President, the single greatest capital investment that we, as a nation can make, is in the education of our children.

It has been estimated that the average person with an eighth-grade education will earn \$204,530 over his lifetime; the high school graduate, \$272,629; and the college graduate, \$452,518.

This is the kind of investment that is so self-evident in our national interest that one would expect all, liberals and conservatives, to be wholeheartedly in favor of it.

But not the temporary leader of the Republican Party.

Senator GOLDWATER, in one of his first negative statements on this subject, declared in Jacksonville, Fla., in 1960, that the American child does not have the right to an education; that "in most cases, the children will get along without it."

To my mind, this is as short-sighted a statement on the part of a self-proclaimed national leader, as I have ever come across in American history.

Amplifying this startlingly narrow vision, Senator GOLDWATER before "Meet the Press" this past January, said:

There is no constitutional right to education. You have a liberty to seek an education.

Apparently this stems from his philosophy that civil rights do not exist; that they are really only civil liberties. He curiously fails to tell us what education as a civil liberty means—and how does this help educate our children?

Unless the temporary leader of the Republican Party wishes to again pull an acrobatic flip-flop and erase the clear meaning of his words, he is dangerously close to urging the abolition of the American public school system.

Whether or not he would permit the States to do so, it would appear that he most certainly would withdraw all Federal support to education.

Last year in our Senate Subcommittee on Education he stated:

I want to make it clear that I do not believe we have an educational problem which requires any form of Federal grant-in-aid program to the States.

He added in the New Yorker, later that year:

If we get back to readin', writin' and 'rithmetic and an occasional little whack where it will help, then I think our educational system will take care of itself.

This, of course, is more than an issue of the campaign. It is a challenge to the basic philosophy of this Nation.

I am proud to take both political and personal issue with that challenge. I believe, as did another New Englander, Mr. Justice Brandeis, that the greatest asset of this Nation or any nation is the people who live in it. And I believe that the heart of our national treasure is our youth.

To the extent that we develop our youth, our greatness will expand; to the extent we deny or neglect them, our affairs will falter.

Need I recite the great boon to our Nation's progress caused by the establishment of the public school system? Is it necessary 100 years later to extoll the Land Grant College Act, fostered by Abraham Lincoln's administration, which resulted in our great State colleges? Are we forgetful of the benefits that came from our more recent GI bill of rights?

Senator GOLDWATER drew the issue, as he saw it, in the heartless statement that the American child has no right to an education.

And President Johnson has thrown down the gantlet with the most massive and comprehensive educational program in American history.

In answer to Senator GOLDWATER's position, the acts of President Johnson can be summed up in equally terse language—and of directly opposite intent.

In short, it is clear that the very foundation of President Johnson's great society is a fully educated American youth. The President's philosophy is in direct accord with the concept of Thomas Jefferson, who said:

If you expect a nation to be ignorant and free, you will expect what never was and never will be.

President Johnson demonstrated his deep appreciation and understanding of our country's educational requirements for the future when he said:

I believe we have come to a time when the century in which we live should henceforth be known as the century of the educated man.

Our Nation today faces these important educational problems:

A school population which is outstripping school facilities and the number of available teachers. During this current decade, it is estimated that college enrollment will almost double, and secondary school enrollment will increase by 50 percent.

School dropouts: With approximately 30 percent of high school students dropping out before graduation, estimates forecast that during the 1960's about 7.5 million young people—1 million more than the 6.5 million who will have gained some college experience—will drop out of school unless present trends are reversed. Growing automation and technological advances impose increasing disadvantages on school dropouts in terms of their careers, in terms of the limited contributions they can make to the welfare of our country. The Democratic administration believes that these young people can be assisted, and indeed that they must be helped.

Then, too, there is the need to emphasize adult education. Only 46.3 percent of adults in the United States have com-

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS: Senate passed Appalachia bill. Sen. Javits criticized proposals to restrict foreign trade policies. Sen. Bennett introduced and discussed bill to exempt from certificate requirements wheat milled for human consumption.

SENATE

1. APPALACHIA. By a vote of 45 to 13, passed with amendments S. 2782, to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region (pp. 22175, 22181, 22188-22207). Agreed to an amendment by Sen. Javits (for himself and Sen. Keating) to require consultation with appropriate State officials before programs under the bill may be implemented within a State (pp. 22197-22200). See Digest 172 for a summary of provisions of the bill.
2. FOOD ADDITIVES. Passed without amendment H. R. 12033, to authorize the Secretary of HEW to permit until Dec. 31, 1965, under certain conditions, the continued use of food additives and pesticide chemicals which were in commercial use before Jan. 1, 1958, but which have not been cleared for use under the Federal Food, Drug, and Cosmetic Act. This bill will now be sent to the President. p. 22186
3. TARIFFS. The Finance Committee reported with amendments H. R. 12253, to amend certain of the tariff schedules (S. Rept. 1601). p. 22164
4. FOREIGN TRADE. Sen. Javits criticized a number of bills in Congress which he stated would restrict foreign trade policies and contended that since enactment of the Trade Expansion Act "the actions of Congress and this administration... have represented a retreat from that landmark legislation and have begun to place this Nation once again on the path of protectionism." pp. 22181-3

Agreed to without amendment S. Res. 369, to authorize the printing of additional copies of a Foreign Relations Committee print, "East-West Trade - A Compilation of Views of Businessmen, Bankers, and Academic Experts." p. 22186

5. ELECTRIFICATION. Sen. Metcalf criticized contributions of the electric light and power industry to "a host of reactionary, rightwing propaganda and pressure groups." pp. 22220-25
6. FEDERAL AID. Agreed to without amendment S. Con Res. 96, to authorize the printing of additional copies of a Government Operations Committee print, "Catalog of Federal Aids to State and Local Governments." p. 22184
7. TIMBER; NATIONAL PARKS. Received from GAO a report "on weaknesses in the administration of the timber disposal program and in other selected activities, National Park Service." p. 22163
8. ADJOURNED until Mon., Sept. 28. p. 22225

ITEM IN APPENDIX

9. LEGISLATIVE ACCOMPLISHMENTS. Reps. Brademas and Rhodes inserted their reports on the accomplishments of the 88th Congress. pp. A4884-6, A4886-90

BILL INTRODUCED

10. WHEAT. S. 3222, by Sen. Bennett, to amend section 379d(b) of the Agricultural Adjustment Act of 1938, as amended, in order to exempt from the requirements of such section wheat which is produced or processed solely for donation to needy persons; to Agriculture and Forestry Committee. Remarks of author, pp. 22164-6

BILL APPROVED BY THE PRESIDENT

11. ALASKA. S. 49, to provide for the establishment of the Alaska Centennial Commission. Approved September 24, 1964 (Public Law 88-610).

lapsed, shall terminate effective upon the date the policyholder enters on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more; (6) the insurance shall not be payable for death which occurs while the insured is on active duty or active duty training under a call or order to such duty for a period of less than thirty-one days, if dependency and indemnity compensation is payable in such case at the time of death, however, the cash value, if any, less any indebtedness shall be paid to the designated beneficiary, if living, otherwise to the insured's estate; (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (8) all premiums and other collections on the insurance and any total disability income provision attached thereto shall be credited directly to the National Service Life Insurance appropriation and any payments on such insurance and total disability income provision attached thereto shall be made directly from such appropriation. Appropriations necessary to carry out the provisions of this subsection are hereby authorized. Notwithstanding the provisions of section 782 of this title, there are hereby authorized to be made available for expenditure out of the National Service Life Insurance appropriation such sums as Congress may deem appropriate to pay the cost of administration of insurance issued under this subsection, and any total disability income provision attached thereto, for transfer to the appropriation 'General Operating Expenses, Veterans' Administration,' or as may otherwise be specified in appropriation Acts.

"(d) Notwithstanding the provisions of section 782 of this title, a medical examination (including any supplemental examination or tests) when required of an applicant for issuance of insurance under this section or any total disability income provision attached thereto shall be at the applicant's own expense by a duly licensed physician.

"(e) No insurance shall be granted under this section to any person referred to in section 107 of this title or to any person while on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more.

"(f) (1) Whenever insurance issued under this section and any total disability income provision attached thereto is terminated as provided in this section, the cash value, if any, less any indebtedness, of a permanent plan policy shall be paid to the insured. Any person whose term or permanent plan policy, not including a reduced paid-up policy, was so terminated while it was not lapsed may, upon written application and payment of the required premium made within one hundred and twenty days after separation from active duty or active duty for training, replace such policy and any total disability income provision attached thereto which was in force at the time of termination. The policy and provision issued to replace the terminated insurance shall be on the same plan and shall not be in excess of the amount of insurance which was terminated. Any person whose permanent plan policy was so terminated while such insurance was not lapsed may reinstate such insurance and any total disability income provision attached thereto which was in force at time of termination, upon written application, payment of the required premium and reserve within the one hundred and twenty day period specified above. A person whose paid-up policy was so terminated may reinstate such paid-up insurance within the one hundred and twenty day period specified above, and any total disability income provision attached thereto which was in force at time of termination, upon written application and payment of the required premium and reserve. Waiver of premiums and total disability income benefits otherwise au-

thorized under this chapter shall not be denied in any case of reinstatement or replacement of insurance or the disability provision under this paragraph in which it is shown to the satisfaction of the Administrator that the total disability of the applicant began before the date of his application for such reinstatement or replacement. The provisions of the immediately preceding sentence shall not be applicable in any case in which such total disability existed prior to the date of application for, or the effective date of, the insurance originally issued under this section.

"(2) Any person whose rights under a term or permanent plan policy or any total disability income provision attached thereto were terminated under this section, while the insurance and provision were in a lapsed status, may upon separation from active duty or active duty for training, replace such policy and provision on the same plan and not in excess of the amount of insurance terminated, upon written application made within one hundred and twenty days after separation from such duty, payment of the required premium and submission of evidence of good health satisfactory to the Administrator.

"(3) Any person whose rights under a term or permanent plan policy or total disability income provision attached thereto were terminated under this section, whether the insurance and provision were in force or lapsed, may upon separation from active duty or active duty for training (A) reinstate such permanent plan policy and provision upon written application, payment of the required premium and reserve, and submission of evidence of good health satisfactory to the Administrator, or (B) reinstate such term policy and provision (within the term period) upon written application, payment of the required premiums, and submission of evidence of good health satisfactory to the Administrator.

"(4) Five year level premium insurance may be issued under this subsection but not renewed on the term plan after the applicant's fiftieth birthday. Insurance replaced under this subsection shall be issued at the premium rate for the applicant's then attained age.

(b) Section 704 of title 38, United States Code, is amended (1) by inserting "(a)" immediately before "Insurance"; and (2) by adding at the end thereof the following:

"(b) Under such regulations as the Administrator may promulgate a policy of participating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except (1) the premium rates for such insurance shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and Interest at the rate of 3 per centum per annum; (2) all cash, loan, paid-up, and extended values shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and Interest at the rate of 3 per centum per annum; and (3) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium.

"(c) Under such regulations as the Administrator may promulgate, a policy of nonparticipating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except that (1) term insurance issued under section 621 of the National Service Life Insurance Act of 1940 shall be deemed for the

purposes of this subsection to have been issued under section 723(b) of this title; and (2) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any person eligible for insurance under section 722(a), or section 725 of this title may be granted a modified life insurance policy under this subsection which, subject to exception (2) above, shall be issued on the same terms and conditions specified in section 722(a) or section 725, whichever is applicable.

"(d) Any insured whose modified life insurance policy is in force by payment or waiver of premiums on the day before his sixty-fifth birthday may upon written application and payment of premiums made before such birthday be granted National Service Life Insurance, on an ordinary life plan, without physical examination, in an amount of not less than \$500, in multiples of \$250, but not in excess of one-half of the face amount of the modified life insurance policy in force on the day before his sixty-fifth birthday. Insurance issued under this subsection shall be effective on the sixty-fifth birthday of the insured. The premium rate, cash, loan, paid-up, and extended values on the ordinary life insurance issued under this subsection shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy. Settlements on policies involving annuities on insurance issued under this subsection shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy. If the insured is totally disabled on the day before his sixty-fifth birthday and premiums on his modified life insurance policy are being waived under section 712 of this title or he is entitled on that date to waiver under such section he shall be automatically granted the maximum amount of insurance authorized under this subsection and premiums on such insurance shall be waived during the continuous total disability of the insured."

(c) The analysis of subchapter I of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following:

"725. Limited period for acquiring insurance."

(d) The amendments made by this section shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

Mr. KEATING. Mr. President, I am gratified that the Senate Finance Committee has reported H.R. 1927, the bill liberalizing the pension benefits of our veterans and families of deceased veterans. Consideration of this just measure on its own merits is the preferable course. The committee's action justifies withdrawal of my amendment to the social security bill which incorporated the provisions of the House-passed bill.

The committee has reported the bill with technical modifications and an amendment reopening national service life insurance for 1 year. As one who has long urged the reopening of veterans insurance for those who inadvertently allowed their policies to lapse, I wholeheartedly support this meritorious bill.

We have a responsibility to the veteran who seeks an opportunity to enjoy the basic necessities for life for himself and his family and to the grateful public

which wants the veteran to have this opportunity.

Among bills which have become law at this session and which I have fully supported are authorization of VA nursing-home care and a 5-year program of matching aid to States for veterans' nursing facilities; increased indemnity compensation for widows, parents, and children of deceased veterans; permitting the VA to waive recovery on home loans in certain hardship cases; extension of the War Orphans Educational Assistance Act to children of veterans who are permanently and totally disabled from service-connected causes; providing that disability rates at a certain percentage for 20 or more years may not thereafter be reduced; extension of the waiver of premium provision under national service life insurance for permanently and disabled veterans from age 60 to 65; authorization of total disability income protection in national service life insurance policies from age 60 to age 65; and authorizing veterans under the Veterans' Preference Act to file suits against the Government in any Federal district court.

The veterans' laws represent an appropriate structure of benefit to individuals who have risked their lives and fortunes for the welfare of our country.

At the same time I express my personal regret that the Foreign Assistance Act empowers AID to "select out" those employees of grade 12 or over without regard to the civil service and veterans' preference laws. I am also disappointed that we have failed to establish the much needed Senate Committee on Veterans' Affairs.

Early in the next session I hope that Senate will establish a Committee on Veterans' Affairs, and that Congress will provide authority for the investigation of the National Cemetery System to insure available plots for veterans and give full consideration to the proposed establishment of a Court of Veterans' Appeals.

Our task as we approach the end of this session is the passage of H.R. 1927 providing much needed assistance to veterans and the widows of veterans.

Mr. MANSFIELD subsequently said: Mr. President, inadvertently, I asked that Calendar No. 1528, H.R. 1927, be brought up during the call of the calendar today. It is with regret that I do so, but I must ask unanimous consent that the action taken on H.R. 1927 be rescinded, and that the bill be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FOOD ADDITIVES TRANSITIONAL PROVISIONS AMENDMENT OF 1964

The bill (H.R. 12033) to further amend the transitional provisions of the act ap-

proved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT TO THE SMALL BUSINESS ACT OF 1958

The bill (S. 3199) to amend the Small Business Act of 1958 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by striking out the third sentence and inserting in lieu thereof the following: "The powers conferred by this Act upon the Administration and upon the Administrator, with the exception of those conferred by title V hereof, shall be exercised through the Small Business Investment Division and through the Deputy Administrator appointed hereunder. The powers conferred by this Act upon the Administration and upon the Administrator by title V (development company loans) hereof shall be exercised through such division, section, or other personnel as the Administrator in his discretion shall determine."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1594), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would amend section 201 of the Small Business Investment Act of 1958 to place in the Small Business Administrator, instead of the Deputy Administrator for Investment and the Small Business Investment Division, the authority to administer title V of the Small Business Act of 1958. This title provides for loans to State and local development companies.

STATEMENT

When the Small Business Investment Act of 1958 was enacted an Office of Deputy Administrator for Investment and a Small Business Investment Division were created within the Small Business Administration to handle the small business investment company program. Responsibility for title V loans to State and local development companies was also vested in them because it was contemplated that many of the State and local development companies would convert into small business investment companies. Title IV of the act permitted such conversion until July 1, 1961. No such conversions took place. This deadline has not been extended and title IV of the act is now obsolete.

The anticipated close connection between State and local development companies and small business investment companies has not developed, and there is no longer any need for title V loans to be under the authority of the Deputy Administrator for Investment and the Small Business Investment Division.

Transferring this authority to the head of the agency would be in accordance with the general administrative principles urged in various Hoover Commission reports; i.e., that power should be given to agency heads with discretionary authority to delegate to subordinates. It would also permit more effective administration of the State and local development company programs particularly

by permitting the Administrator to decentralize this activity if he deems it desirable.

With this amendment the Administrator would have discretion to utilize other facilities and personnel of the Small Business Administration rather than being confined to those of the Investment Division, as he already has in connection with the management counseling program under title VI of the act.

BILL PASSED OVER

The bill (S. 1541) to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANSFIELD. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "EAST-WEST TRADE—A COMPILATION OF VIEWS OF BUSINESSMEN, BANKERS, AND ACADEMIC EXPERTS"

The resolution (S. Res. 369) to print additional copies of a committee print entitled "East-West Trade—A Compilation of Views of Businessmen, Bankers, and Academic Experts" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Foreign Relations three thousand additional copies of the committee print "East-West Trade—A Compilation of Views of Businessmen, Bankers, and Academic Experts".

PRINTING AS SENATE DOCUMENT REPORT ON THE IMPLEMENTATION OF THE HUMPHREY AMENDMENT TO THE FOREIGN ASSISTANCE ACT

The resolution (S. Res. 371) to print as a Senate document a report on the implementation of the Humphrey amendment to the Foreign Assistance Act was considered and agreed to, as follows:

Resolved, That there shall be printed as a Senate document the third annual report to the Congress on the implementation of the Humphrey amendment, prepared by the Agency for International Development, fiscal year 1964, and that an additional five thousand copies be printed for use by the Committee on Foreign Relations.

MARGARET J. HICKEY

The resolution (S. Res. 375) to pay a gratuity to Margaret J. Hickey was considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret J. Hickey, widow of Edward J. Hickey, an employee of the Senate at the time of the death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Public Law 88-625
88th Congress, H. R. 12033
October 3, 1964



An Act

78 STAT. 1002.

To further amend the transitional provisions of the Act approved September 6, 1958, entitled "An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Additives Transitional Provisions Amendment of 1964".

Food Additives
Transitional
Provisions Amend-
ment of 1964.

SEC. 2. The penultimate sentence of subsection (c) of section 6 of the Food Additives Amendment of 1958 (Public Law 85-929, 72 Stat. 1784, 1788), as added by the "Food Additives Transitional Provisions Amendment of 1961" (Public Law 87-19, 75 Stat. 42), is hereby further amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) (B) of this subsection and clauses (i) and (ii) of this sentence, further extend such effective date, but not beyond December 31, 1965".

21 USC 342 note.

SEC. 3. The penultimate sentence of section 3 of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286, 288), as added by the "Food Additives Transitional Provisions Amendment of 1961" (Public Law 87-19, 75 Stat. 42), is hereby further amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That if the Secretary has, pursuant to this sentence, granted an extension to June 30, 1964, he may, upon making the findings required by clause (1) of this paragraph (b) and clauses (A) and (B) of this sentence, further extend such expiration date, but not beyond December 31, 1965".

7 USC 135 note.

Approved October 3, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1770 (Comm. on Interstate & Foreign Commerce).

SENATE REPORT No. 1593 (Comm. on Labor & Public Welfare).

CONGRESSIONAL RECORD, Vol. 110 (1964):

Sept. 3: Considered and passed House.

Sept. 25: Passed Senate.

3540 E